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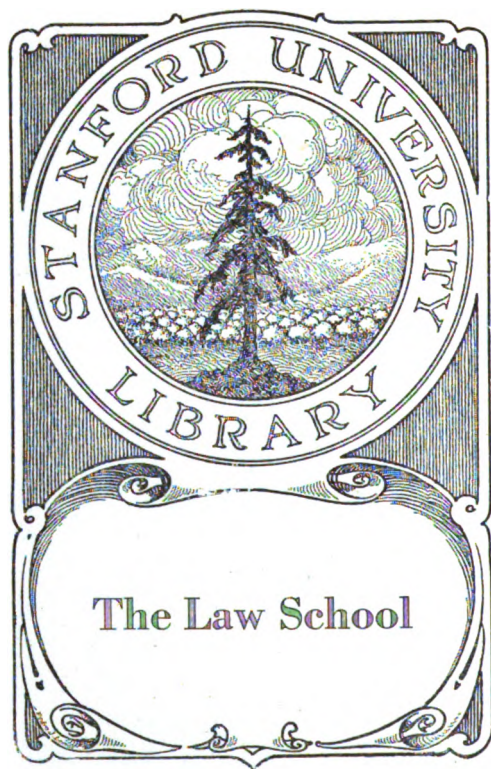
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New York Collection,

L A W S
OF THE
STATE OF NEW YORK,

PASSED AT THE
ONE HUNDRED AND TWENTY-NINTH SESSION

OF THE
LEGISLATURE,

BEGUN JANUARY THIRD, 1906, AND ENDED MAY
THIRD, 1906, IN THE CITY OF ALBANY.

VOL. I.



ALBANY:
J. B. LYON COMPANY, PRINTERS.
1906.

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YHABBU OROHATZ

CERTIFICATE.

STATE OF NEW YORK,

OFFICE OF THE SECRETARY OF STATE,

ALBANY, *July 2, 1906.*

Pursuant to the directions of chapter 682, Laws of 1892, entitled "The Legislative Law," I hereby certify that the following volume of the Laws of this State was printed under my direction.

JOHN F. O'BRIEN,

Secretary of State.

In this volume, every act which received the assent of a majority of all the members of the Legislature, three-fifths of all the members elected to either House thereof being present, pursuant to section 25 of article 3 of the Constitution of this State, is designated under its title by the words "passed, three-fifths being present." And every act which received the assent of a majority of all the members elected to each branch of the Legislature, pursuant to section 15 of article 3 of the Constitution of this State, is designated under its title by the words "passed, a majority being present." And every act which received the assent of two-thirds of all the members elected to each branch of the Legislature, pursuant to section 20 of article 3 of the Constitution of this State, is designated under its title by the words "passed by a two-thirds vote." [See "The Legislative Law," chapter 682, Laws of 1892, as amended by chapter 53, Laws of 1894.]

LIST OF OFFICERS.

"§ 45. Contents of published volumes of session laws—The Secretary of State shall annually cause * * * a statement of the names and residences of the Governor, Lieutenant-Governor, Senators and Members of Assembly and presiding officers of both Houses in office during each session * * * to be printed and bound. * * *." *Laws of 1892, Chap. 632, Sec. 45.*

NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT-GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY AND PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

GOVERNOR.

FRANK WAYLAND HIGGINS.....*ALBANY, ALBANY COUNTY.

LIEUTENANT-GOVERNOR.

MATTHEW LINN BRUCENew York City.

CLERK OF THE SENATE.

LAFAYETTE B. GLEASON.....DELHI, DELAWARE COUNTY.

SENATORS.

| District. | NAME. | County. | Address. |
|-----------|---------------------------|---------------|-------------------|
| 1.. | Carl S. Burr, Jr..... | Suffolk..... | Commack. |
| 2.. | Luke A. Keenan..... | Queens..... | Long Island City. |
| 3.. | Thomas H. Cullen..... | Kings..... | Brooklyn. |
| 4.. | John Drescher, Jr..... | Kings..... | Brooklyn. |
| 5.. | James J. Kehoe..... | Kings..... | Brooklyn. |
| 6.. | Frank J. Gardner..... | Kings..... | Brooklyn. |
| 7.. | Patrick H. McCarren..... | Kings..... | Brooklyn. |
| 8.. | Charles Cooper..... | Kings..... | Brooklyn. |
| 9.. | Conrad Hasenflug..... | Kings..... | Brooklyn. |
| 10.. | Daniel J. Riordan..... | New York..... | New York. |
| 11.. | John J. Fitzgerald..... | New York..... | New York. |
| 12.. | Samuel J. Foley..... | New York..... | New York. |
| 13.. | Bernard F. Martin..... | New York..... | New York. |
| 14.. | Thomas F. Grady..... | New York..... | New York. |
| 15.. | Nathaniel A. Elsberg..... | New York..... | New York. |
| 16.. | John M. Quinn..... | New York..... | New York. |
| 17.. | Martin Saxe..... | New York..... | New York. |
| 18.. | Jacob Marks..... | New York..... | New York. |
| 19.. | Alfred R. Page..... | New York..... | New York. |
| 20.. | James J. Frawley..... | New York..... | New York. |
| 21.. | John A. Hawkins..... | New York..... | New York. |

*Official residence.

LIST OF OFFICERS.

SENATORS—(Concluded).

| District. | NAME. | County. | Address. |
|-----------|---------------------------|-------------------|-------------------|
| 22.. | Francis M. Carpenter..... | Westchester..... | Mount Kisco. |
| 23.. | Louis F. Goodsell..... | Orange..... | Highland Falls. |
| 24.. | Sanford W. Smith..... | Columbia..... | Chatham. |
| 25.. | John N. Cordts..... | Ulster..... | Rondout. |
| 26.. | Jotham P. Allds..... | Chenango..... | Norwich. |
| 27.. | Spencer K. Warnick..... | Montgomery..... | Amsterdam. |
| 28.. | Edgar T. Brackett..... | Saratoga..... | Saratoga Springs. |
| 29.. | James B. McEwan..... | Albany..... | Albany. |
| 30.. | William D. Barnes..... | Rensselaer..... | Brainard. |
| 31.. | Spencer G. Prime..... | Clinton..... | Upper Jay. |
| 32.. | George R. Malby..... | St. Lawrence..... | Ogdensburg. |
| 33.. | Walter L. Brown..... | Otsego..... | Oneonta. |
| 34.. | Henry J. Coggeshall..... | Oneida..... | Waterville. |
| 35.. | George H. Cobb..... | Jefferson..... | Watertown. |
| 36.. | Horace White..... | Onondaga..... | Syracuse. |
| 37.. | Francis H. Gates..... | Madison..... | Chittenango. |
| 38.. | Harvey D. Hinman..... | Broome..... | Binghamton. |
| 39.. | Benj. Martin Wilcox..... | Cayuga..... | Auburn. |
| 40.. | Owen Cassidy..... | Schuyler..... | Watkins. |
| 41.. | William J. Tully..... | Steuben..... | Corning. |
| 42.. | John Raines..... | Ontario..... | Canandaigua. |
| 43.. | Merton E. Lewis..... | Monroe..... | Rochester. |
| 44.. | William W. Armstrong..... | Monroe..... | Rochester. |
| 45.. | Irving L'Hommedieu..... | Orleans..... | Medina. |
| 46.. | Frederick C. Stevens..... | Wyoming..... | Attica. |
| 47.. | Henry Wayland Hill..... | Erie..... | Buffalo. |
| 48.. | Louis Fechter, Sr..... | Erie..... | Buffalo. |
| 49.. | George Allen Davis..... | Erie..... | Buffalo. |
| 50.. | Albert T. Fancher..... | Cattaraugus..... | Salamanca. |

SPEAKER OF THE ASSEMBLY.

JAMES W. WADSWORTH, JR..... Mount Morris, Livingston County.

CLERK OF THE ASSEMBLY.

ARCHIE E. BAXTER..... Elmira, Chemung County.

MEMBERS OF ASSEMBLY.

| NAME. | District. | County. | Address. |
|-------------------------|-----------|------------------|-----------------|
| Charles W. Mead..... | 1 | Albany..... | Albany. |
| Abram S. Coon..... | 2 | Albany..... | Preston Hollow. |
| Thomas F. Maher..... | 3 | Albany..... | Albany. |
| William J. Grattan..... | 4 | Albany..... | Cohoes. |
| Jesse S. Phillips..... | | Allegany..... | Andover. |
| James T. Rogers..... | 1 | Broome..... | Binghamton. |
| Fred. E. Allen..... | 2 | Broome..... | Whitneys Point. |
| Jasper E. Smith..... | 1 | Cattaraugus..... | Olean. |
| John J. Volk..... | 2 | Cattaraugus..... | Dayton. |
| Judson W. Hapeman..... | 1 | Cayuga..... | Cato. |
| J. Guernsey Allen..... | 2 | Cayuga..... | Moravia. |

MEMBERS OF ASSEMBLY—(Continued).

| NAME | District | County. | Address. |
|-----------------------------|----------|---------------------|---------------|
| Arthur C. Wade..... | 1 | Chautauqua..... | Jamestown. |
| Henry K. Williams..... | 2 | Chautauqua..... | Dunkirk. |
| Sherman Moreland..... | | Chemung..... | Van Etten. |
| Charles L. Carrier..... | | Chenango..... | Sherburne. |
| H. Wallace Knapp..... | | Clinton..... | Moers. |
| Edward W. Scovill..... | | Columbia..... | Hudson. |
| Fred. A. Crosley..... | | Cortland..... | Tula. |
| James R. Cowan..... | | Delaware..... | Hobart. |
| Myron Smith..... | 1 | Dutchess..... | Millbrook. |
| Augustus B. Gray..... | 2 | Dutchess..... | Poughkeepsie. |
| Charles J. Quinn..... | 1 | Erie..... | Buffalo. |
| Robert Lynn Cox..... | 2 | Erie..... | Buffalo. |
| Frank S. Burzynski..... | 3 | Erie..... | Buffalo. |
| Charles V. Lynch..... | 4 | Erie..... | Buffalo. |
| Louis Dressing..... | 5 | Erie..... | Buffalo. |
| James S. Keyes..... | 6 | Erie..... | Buffalo. |
| John K. Patton..... | 7 | Erie..... | Tonawanda. |
| Luther J. Shuttleworth..... | 8 | Erie..... | Springville. |
| Frank C. Hooper..... | | Essex..... | North River. |
| Charles R. Matthews..... | | Franklin..... | Bombay. |
| William Ellison Mills..... | | Fulton and Hamilton | Gloversville. |
| S. Percy Hooker..... | | Genesee..... | Le Roy. |
| William C. Brady..... | | Greene..... | Athens. |
| Abram B. Steele..... | | Herkimer..... | Herkimer. |
| Albert Foster..... | 1 | Jefferson..... | Dexter. |
| Gary H. Wood..... | 2 | Jefferson..... | Antwerp. |
| Thomas O'Neill..... | 1 | Kings..... | Brooklyn. |
| Patrick Donohue..... | 2 | Kings..... | Brooklyn. |
| Thomas P. Reilly..... | 3 | Kings..... | Brooklyn. |
| William Colné..... | 4 | Kings..... | Brooklyn. |
| Otto G. Foelker..... | 5 | Kings..... | Brooklyn. |
| Thomas J. Surpless..... | 6 | Kings..... | Brooklyn. |
| Michael J. Grady..... | 7 | Kings..... | Brooklyn. |
| James A. Thompson..... | 8 | Kings..... | Brooklyn. |
| Thomas F. McGuire..... | 9 | Kings..... | Brooklyn. |
| Charles F. Murphy..... | 10 | Kings..... | Brooklyn. |
| William S. Shanahan..... | 11 | Kings..... | Brooklyn. |
| George A. Green..... | 12 | Kings..... | Brooklyn. |
| Samuel J. Palmer..... | 13 | Kings..... | Brooklyn. |
| George W. Kavanagh..... | 14 | Kings..... | Brooklyn. |
| Charles C. G. Sprenger..... | 15 | Kings..... | Brooklyn. |
| Charles J. Weber..... | 16 | Kings..... | Brooklyn. |
| Edward C. Dowling..... | 17 | Kings..... | Brooklyn. |
| Warren Isbell Lee..... | 18 | Kings..... | Brooklyn. |
| Charles Schmitt..... | 19 | Kings..... | Brooklyn. |
| Charles Feth..... | 20 | Kings..... | Brooklyn. |
| Frank E. Harvey..... | 21 | Kings..... | Brooklyn. |
| C. Fred Boshart..... | | Lewis..... | Lowville. |
| James W. Wadsworth, Jr.. | | Livingston..... | Mount Morris. |
| Robert J. Fish..... | | Madison..... | Oneida. |
| Dewitt C. Becker..... | 1 | Monroe..... | Fairport. |
| James L. Whitley..... | 2 | Monroe..... | Rochester. |
| Robert Averill..... | 3 | Monroe..... | Rochester. |
| Albert P. Beebe..... | 4 | Monroe..... | Barnards. |
| William B. Charles..... | | Montgomery..... | Amsterdam. |
| Thomas B. Caughlan..... | 1 | New York..... | New York. |

MEMBERS OF ASSEMBLY—(Continued).

| NAME. | District. | County. | Address. |
|-----------------------------|-----------|------------------------|-------------------|
| Alfred E. Smith..... | 2 | New York..... | New York. |
| John T. Eagleton..... | 3 | New York..... | New York. |
| William H. Burns..... | 4 | New York..... | New York. |
| Leslie J. Tompkins..... | 5 | New York..... | New York. |
| James Oliver..... | 6 | New York..... | New York. |
| Thomas F. Long..... | 7 | New York..... | New York. |
| Abraham Harawitz..... | 8 | New York..... | New York. |
| Patrick H. Bird..... | 9 | New York..... | New York. |
| Samuel Hoffman..... | 10 | New York..... | New York. |
| John J. Sammon..... | 11 | New York..... | New York. |
| Max Eckmann..... | 12 | New York..... | New York. |
| John C. Hackett..... | 13 | New York..... | New York. |
| Jacob Fritz..... | 14 | New York..... | New York. |
| Owen W. Bohan..... | 15 | New York..... | New York. |
| Gustave Hartman..... | 16 | New York..... | New York. |
| Christopher Steffens..... | 17 | New York..... | New York. |
| Edward B. La Petra..... | 18 | New York..... | New York. |
| Mervin C. Stanley..... | 19 | New York..... | New York. |
| Thomas A. Farnan..... | 20 | New York..... | New York. |
| William Young..... | 21 | New York..... | New York. |
| Thomas Rock..... | 22 | New York..... | New York. |
| James A. Francis..... | 23 | New York..... | New York. |
| John Thomas Story..... | 24 | New York..... | New York. |
| Ezra P. Prentice..... | 25 | New York..... | New York. |
| Roger J. Brennan..... | 26 | New York..... | New York. |
| George B. Agnew..... | 27 | New York..... | New York. |
| George Schwegler..... | 28 | New York..... | New York. |
| Frederic DeWitt Wells..... | 29 | New York..... | New York. |
| Maurice F. Smith..... | 30 | New York..... | New York. |
| J. Sidney Bernstein..... | 31 | New York..... | New York. |
| Samuel Krulewitch..... | 32 | New York..... | New York. |
| Jacob E. Salomon..... | 33 | New York..... | New York. |
| Charles Campbell..... | 34 | New York..... | New York. |
| John P. Cohalan..... | 35 | New York..... | New York. |
| A. Edmund Lee..... | 1 | Niagara..... | Lockport. |
| W. Levell Draper..... | 2 | Niagara..... | Wilson. |
| Henry L. Gates..... | 1 | Oneida..... | Utica. |
| J. H. Pratt..... | 2 | Oneida..... | Verona. |
| John C. Evans..... | 3 | Oneida..... | Rome. |
| Charles H. Gregory..... | 1 | Onondaga..... | Skaneateles. |
| Edward Schoenck..... | 2 | Onondaga..... | Syracuse. |
| George L. Baldwin..... | 3 | Onondaga..... | Syracuse. |
| Fred. W. Hammond..... | 4 | Onondaga..... | Syracuse. |
| Jean L. Burnett..... | | Ontario..... | Canandaigua. |
| William George Hasting..... | 1 | Orange..... | Newburg. |
| Louis Bedell..... | 2 | Orange..... | Goshen. |
| Henry V. Wilson..... | | Orleans..... | Medina. |
| Thomas D. Lewis..... | 1 | Oswego..... | Fulton. |
| Frederick G. Whitney..... | 2 | Oswego..... | Pulaski. |
| Deloss E. Bass..... | | Otsego..... | Leonardsville. |
| John R. Yale..... | | Putnam..... | Brewster. |
| Dennis J. Harte..... | 1 | Queens..... | Long Island City. |
| William A. De Groot..... | 2 | Queens..... | Richmond Hill. |
| William G. Miller..... | | Queens and Nassau..... | Freeport. |
| Frederick C. Filley..... | 1 | Rensselaer..... | Troy. |
| Michael D. Nolan..... | 2 | Rensselaer..... | Troy. |

MEMBERS OF ASSEMBLY—(Concluded).

| NAME. | District. | County. | Address. |
|---------------------------|-----------|-------------------|----------------|
| Bradford R. Lansing..... | 3 | Rensselaer | Rensselaer. |
| Arnold J. B. Wedemeyer... | | Richmond | Tompkinsville. |
| Gouverneur M. Carnochan.. | | Rockland | New City. |
| Fred J. Gray..... | 1 | St. Lawrence..... | Ogdensburg. |
| Edwin A. Merritt, Jr..... | 2 | St. Lawrence..... | Potsdam. |
| George H. Whitney..... | | Saratoga | Mechanicville. |
| William W. Wemple..... | | Schenectady | Schenectady. |
| George M. Palmer..... | | Schoharie | Cobleskill. |
| John W. Gurnett..... | | Schuyler | Watkins. |
| William J. Maier..... | | Seneca | Seneca Falls. |
| William H. Chamberlain... | 1 | Steuben | Kanona. |
| Jerry E. B. Santee..... | 2 | Steuben | Hornellsville. |
| John M. Lupton..... | 1 | Suffolk | Mattituck. |
| Orlando Hubbs..... | 2 | Suffolk | Central Islip. |
| Edward Bisland..... | | Sullivan..... | Glen Spey. |
| Byram L. Winters..... | | Tioga | Smithboro. |
| William R. Gunderman... | | Tompkins | Ithaca. |
| Joseph M. Fowler..... | 1 | Ulster..... | Kingston. |
| William D. Cunningham... | 2 | Ulster..... | Ellenville. |
| William R. Waddell..... | | Warren | North Creek. |
| Eugene R. Norton..... | | Washington | Granville. |
| Edson W. Hamn..... | | Wayne | Lyons. |
| Woodson R. Oglesby..... | 1 | Westchester..... | Tuckahoe. |
| J. Mayhew Wainwright.... | 2 | Westchester..... | Rye. |
| James K. Apgar..... | 3 | Westchester..... | Peekskill. |
| Byron A. Nevins..... | | Wyoming | Perry. |
| Leonidas D. West..... | | Yates | Dundee. |

LAWS OF THE STATE OF NEW YORK.

VOLUME I.

PASSED AT THE ONE HUNDRED AND TWENTY-NINTH REGULAR SESSION OF THE LEGISLATURE, BEGUN THE THIRD DAY OF JANUARY, 1906, AND ENDING THE THIRD DAY OF MAY, 1906, AT THE CITY OF ALBANY.

Chap. 1.

AN ACT to amend chapter five hundred and eighty-five of the laws of eighteen hundred and sixty-five, entitled "An act to establish the Cornell university, and to appropriate to it the income of the sale of public lands granted to this state by congress, on the second day of July, eighteen hundred and sixty-two, also to restrict the operation of chapter five hundred and eleven of the laws of eighteen hundred and sixty-three," relative to the board of trustees.

Became a law, February 5, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The second section of chapter five hundred and eighty-five of the laws of eighteen hundred and sixty-five, entitled "An act to establish the Cornell university, and to appropriate to it the income of the sale of public lands granted to this state by congress, on the second day of July, eighteen hundred and sixty-two, also to restrict the operation of chapter five hundred and eleven of the laws of eighteen hundred and sixty-three," as amended by chapter eighty-seven of the laws of eighteen hundred and ninety-five and as further amended by chapter two hundred and thirty-eight of the laws of eighteen hundred and ninety-six, and as further amended by chapter ninety-seven of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 2. The board of trustees of said Cornell university shall hereafter be made up and constituted as follows: The governor, the lieutenant-governor, the speaker of the house of assembly, commissioner of education, the president of the state agricultural society, the commissioner of agriculture, the librarian

of the Cornell library, and the president of the said university, shall be trustees thereof ex officio, and the eldest lineal male descendant of Ezra Cornell shall be a trustee thereof during his life. There shall also be thirty-one elective trustees, twenty of whom shall be elected by the board of trustees, and ten by the alumni of said university and one each year by the executive committee of the New York state grange to be elected at the time of the annual meeting of said grange, such trustee so elected shall be elected for a term of one year, his term of office to begin at the first commencement subsequent to his election; but at no time shall a majority of the board be of any one religious sect or of no religious sect. The board of trustees shall elect each year four trustees, and as many more as may be necessary to fill vacancies, among members elected by them caused by resignation or death. The alumni of said university shall meet annually in Ithaca, New York, on the day before commencement, and at the meeting of the alumni at each annual commencement said alumni shall elect two trustees, and as many more as may be necessary to fill vacancies arising from resignations or deaths among the number previously elected by them. Except as hereinbefore otherwise provided the term of office of each elective trustee shall be five years from the annual commencement at which he is elected; but if elected by the board of trustees at a meeting thereof during the academic year, his term shall then be five years from the commencement immediately preceding his election; but every trustee shall hold over until his successor is elected. The election of trustees by the board shall be by ballot, and fifteen ballots shall concur before any one is elected; and twelve shall constitute a quorum for the transaction of business. Who shall be alumni of said university shall be prescribed by its board of trustees. The election of trustees by the alumni shall be by ballot, and shall be conducted in the following manner and under the following provisions: A register of the signature and address of each of the said alumni of the said university shall be kept by the treasurer of the said university at his business office. Any ten or more alumni may file with the treasurer, on or before the first day of April in each year, written nominations of the trustee or trustees to be elected by the alumni at the next commencement. Forthwith after such first day of April a list of such candidates shall be mailed by said treasurer to each of the alumni at his or her address. Each alumnus may vote by transmitted ballot for trustee

or trustees to be elected by the alumni at any commencement, in accordance with such regulations as to the method and time of voting as may be prescribed by the alumni and approved by the trustees of the university or its executive committee. The candidates to the extent of the number of places to be filled having the highest number of votes upon the first ballot shall be declared elected, provided that each of said candidates has received the votes of at least one-third of all the alumni voting at said election; but if there shall be a failure to fill all or one or more of the vacancies, caused by expiration of term or otherwise, by reason of the fact that one or more candidates having the highest number of votes as above fail to receive the votes of at least one-third of the alumni voting, then and in that event such vacancies shall be filled by the alumni personally present at said meeting, the election being limited to candidates not elected on the first ballot, if there is a sufficient number thereof, having the highest pluralities, not exceeding two candidates for each place thus to be filled.

§ 2. This act shall take effect immediately.

Chap. 2.

AN ACT to provide for obtaining for the use of the legislature printed copies of the testimony by the joint committee of the legislature appointed in nineteen hundred and five to investigate and examine into the business and affairs of life insurance companies doing business in the state of New York, with the report, exhibits and a suitable index, and making an appropriation therefor.

Became a law, February 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The joint committee of the legislature appointed pursuant to a concurrent resolution of the senate and assembly passed at the annual session for the year nineteen hundred and five to investigate and examine into the business and affairs of life insurance companies doing business in the state of New York, is hereby authorized to purchase or cause to be furnished

for the use of the legislature not to exceed five thousand copies of the proceedings of said committee, including the testimony, exhibits and report, with a suitable index. Each senator shall receive ten sets thereof, each member of assembly shall receive five sets and the remainder shall be distributed upon requests made therefor to said joint committee.

§ 2. The said volumes shall be furnished and delivered at prices which shall not be above prices current for similar books in New York or Albany and shall be paid for on the certificate of the chairman of said committee, and the audit of the comptroller.

§ 3. The sum of twenty thousand dollars or so much thereof as may be necessary, is hereby appropriated for the purpose of this act from any moneys in the treasury not otherwise appropriated.

§ 4. This act shall take effect immediately.

Chap. 3.

AN ACT to provide for the compensation and expenses for the legislative session of nineteen hundred and six, of persons appointed to draft, examine and revise bills.

Became a law, February 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate Assembly, do enact as follows:

Section 1. The sum of five thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated. for the compensation and expenses during the legislative session of nineteen hundred and six, of persons appointed under section twenty-three of the legislative law, to draft, examine and revise bills. Such compensation and expenses shall be paid by the treasurer on the warrant of the comptroller, on the order of the temporary president of the senate and the speaker of the assembly.

§ 2. This act shall take effect immediately.

Chap. 4.

AN ACT making appropriations to the state commissioner of excise for the payment of refunds on surrender of liquor tax certificates.

Became a law, February 13, 1906, with the approval of the Governor. Passed, by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the state commissioner of excise to pay refunds on surrender of liquor tax certificates under the provisions of the liquor tax law, to be paid by the state treasurer from excise moneys in his hands, upon the warrant of the comptroller.

§ 2. This act shall take effect immediately.

Chap. 5.

AN ACT to amend chapter three hundred and sixty-eight of the laws of eighteen hundred and eighty-four, entitled "An act to regulate the manner of contracting, auditing and paying certain charges against the county of Albany," relative to salaries of supervisors.

Became a law, February 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven of chapter three hundred and sixty-eight of the laws of eighteen hundred and eighty-four, entitled "An act to regulate the manner of contracting, auditing and paying certain charges against the county of Albany," is hereby amended to read as follows:

§ 11. The salaries of the members of the board of supervisors of Albany county shall be paid in monthly instalments.

§ 2. This act shall take effect immediately.

Chap. 6.

AN ACT to amend section seven hundred and ninety-one of the code of civil procedure relative to actions by receivers.

Became a law, February 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph five of section seven hundred and ninety-one of the code of civil procedure is hereby amended to read as follows:

5. In any court, an action or special proceeding in which an executor or an administrator, or testamentary trustee, or an infant, or a trustee of a fund for the support and maintenance of an infant, or a receiver appointed by the court, or by the comptroller of the currency of the United States, or a trustee in bankruptcy, or a general assignee for the benefit of creditors, or the committee of a lunatic or an idiot, or a creditor of a deceased insolvent debtor suing for the benefit of himself and other creditors interested in the estate or property of such deceased debtor where a right of action is given by express provision of law, is the sole plaintiff or sole defendant; an action or special proceeding for the construction of, or an adjudication upon or to determine the validity of the probate of a will, in which the administrator, with the will annexed, or the executor of the will is joined, as plaintiff or defendant, with one or more other parties, and an appeal from the judgments or decision in any of the foregoing actions or proceedings and in the court of appeals or the supreme court, an appeal from the decree or decision of a surrogate's court, determining a will to be valid and admitting it to probate, or determining an instrument offered for probate as a will to be invalid or not entitled to probate as such, or granting general letters of administration or directing the distribution of a fund or payment of money by an executor or an administrator in pursuance of an order or decree made on an intermediate, final or judicial accounting or otherwise by an administrator or an executor.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 7.

AN ACT to confirm and legalize certain assessments in the city of Buffalo, and to ratify the acts and proceedings of the assessors of said city in relation hereto.

Became a law, February 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The acts and proceedings of the assessors of the city of Buffalo in making, completing and revising the annual assessment rolls for the fiscal year beginning July first, nineteen hundred and six, and all the acts and proceedings of said assessors done or taken in relation to such assessment rolls during the years nineteen hundred and five and nineteen hundred and six, and said assessment rolls, and all taxes imposed, levied or apportioned thereunder, are hereby declared valid and legal, and are in all respects ratified and confirmed; any provision of chapter six hundred and forty-four of the laws of nineteen hundred and five, and chapter ninety of the laws of nineteen hundred and five to the contrary notwithstanding.

§ 2. This act shall take effect immediately.

Chap. 8.

AN ACT to amend chapter one hundred and five of the laws of eighteen-hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," and the acts amendatory thereof and supplementary thereto, relative to taxes.

Became a law, February 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and two of chapter one hundred and five of the laws of eighteen hundred and ninety-one is hereby amended to read as follows:

§ 102. On or before the fifteenth day of March in each year, the treasurer shall return each local assessment roll not payable in installments which shall have been received by him more than two months prior to such fifteenth day of March, with the additions, to the comptroller, and certify that all uncanceled assessments therein are unpaid.

§ 2. Section one hundred and four of chapter one hundred and five of the laws of eighteen hundred and ninety-one, as amended by chapter three hundred and fourteen of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 104. The treasurer shall proceed with the collection of said roll in the manner provided for other assessments, and for such purpose, retain the roll in his possession at all times. On or before the fifteenth day of March of each year, he shall make a transcript from the rolls received by him more than two months previous thereto, of each unpaid installment which shall have become due and payable with the addition thereto, which transcript shall be delivered to the comptroller to be spread on the general roll for that year, in the manner specified in section seventy-five of this act, and the treasurer shall note on the original roll the installments so transferred. He shall continue the collection of the balance of said roll until on or before the fifteenth day of March in the following year, when he shall make a transcript of the second installment of the assessments on said roll which shall have become due and payable. He shall cause a transcript of said installments so due and payable with the additions thereon, to be delivered to the comptroller to be spread on the general tax roll for that year, and shall note on the original roll the installment so transferred. He shall continue the collection of the balance of said roll until on or before the fifteenth day of March in the following year, when he shall make a transcript of the third installment of the assessments on said roll which shall have become due and payable. He shall cause a transcript of said installment so due and payable with the additions thereon, to be delivered to the comptroller to be spread on the general tax roll for that year and shall note on the original roll the installment so transferred. He shall continue the collection of the balance of said roll until on or before the fifteenth day of March in the following year when he shall in like manner make a transcript of the fourth installment on such roll, which shall have become due and payable. He shall

cause a transcript of said installment so due and payable, with the additions thereon, to be delivered to the comptroller to be spread on the general tax roll for that year, in the same manner as hereinbefore provided, and note on the original roll the assessment so transferred. He shall continue the collection of the balance of said roll until on or before the fifteenth day of March in the following year, when he shall in like manner make a transcript of the fifth installment on such roll, which shall have become due and payable. He shall cause a transcript of said installment so due and payable, with the additions thereon, to be delivered to the comptroller to be spread on the general tax roll for that year as hereinbefore provided, and note on the original roll the assessment so transferred. Annual interest shall be paid to the treasurer on all unpaid installments at the time any one of them shall become due, and said treasurer shall not receive payment of any installment after the first unless interest then due on all installments shall be paid at the same time; if the annual interest is not paid, the treasurer shall return such interest together with the installment then due, to the comptroller, to be spread on the general tax roll of the year. The treasurer may receive the whole of any assessments, with accrued interest and additions, at any time before the same is returned to the comptroller.

§ 3. This act shall take effect immediately.

Chap. 9.

AN ACT making an appropriation for highway improvement purposes.

Became a law, February 20, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of fifty thousand dollars is hereby appropriated from any moneys in the treasury not otherwise appropriated, for highway improvement purposes under the provisions of chapter one hundred and fifteen of the laws of eighteen hundred and ninety-eight and the amendments thereto. The money hereby appropriated shall be expended by and under the direction of the state engineer and surveyor.

§ 2. This act shall take effect immediately.

Chap. 10.

AN ACT to make the office of supervisor in the county of Onondaga a salaried office, and to regulate the sessions of the board of supervisors in said county.

Became a law, February 20, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of supervisors of the county of Onondaga shall meet on the first Monday of March, in the year nineteen hundred and six, at two o'clock in the afternoon, and on the first Monday in January, in the year nineteen hundred and eight, and in each second year thereafter at the same hour for the purpose of organization, and for the transaction of such other business as may come before it. And beginning with said first Monday in March, nineteen hundred and six, said board shall hold regular monthly meetings on the first Monday of each and every calendar month, and may also hold such other meetings at such other times as it may fix by resolution, duly adopted by vote of a majority thereof. Whenever the day hereby fixed for a meeting of said board shall fall on a legal holiday, the said board shall meet on the next succeeding day, not a holiday. All regular monthly meetings herein provided for shall begin on the first Monday of the month at two o'clock in the afternoon.

§ 2. At the organization of said board on the first Monday in March, in the year nineteen hundred and six, a permanent chairman shall be elected who shall serve until January first, nineteen hundred and eight; and on the first Monday of January in nineteen hundred and eight and biennially thereafter on the first Monday of January of every second year, a permanent chairman shall be elected who shall serve for two years. In case of the death, removal, resignation or retirement from the board of the chairman, a successor shall be elected for the unexpired term. In case of failure to elect a permanent chairman on any day herein provided, the board shall adjourn from day to day, Sundays excepted, until the said chairman shall be elected. At the organization of said board on the first Monday in March nineteen hundred and six, and on the first Monday of January, nineteen hundred and eight, and on the first Monday of January, of every second year thereafter, said board shall elect a clerk, deputy

clerk, and a messenger. Said deputy clerk shall perform the duties of the clerk in his absence, and perform such other duties as he shall be directed to perform by the board; and shall, if so directed by said board, act as bookkeeper and assistant to the purchasing agent when elected. The clerk, deputy clerk and messenger of said board shall each receive a stated salary to be fixed by said board, which shall be payable monthly and shall cease immediately upon the death, resignation or removal of such officer; said salaries to be paid by the county treasurer as other county salaries are paid. Said clerk, deputy clerk and messenger shall receive no other compensation for any services they may render to the county. Said clerk, deputy clerk or messenger may be removed, and their successors appointed at the pleasure of said board; and each shall hold office until his successor is appointed. Said clerk shall not hold any other office except that of notary public or commissioner of deeds. All officers elected and appointments made by the board shall be viva voce upon call of the roll of members. All other questions shall be determined in a similar manner if demanded by any member.

§ 3. During the years nineteen hundred and six and nineteen hundred and seven, being the term of office for which the present board has been elected, each supervisor shall receive the same salary and compensation for his services as is now provided by law, to be paid in the same manner as at present prescribed. Beginning with the first day of January, nineteen hundred and eight each supervisor of Onondaga county shall receive as compensation for his services as supervisor (including also his services as a member of the board of county canvassers) a salary of five hundred dollars per annum to be paid in equal monthly instalments on the last day of each month by the treasurer of the county of Onondaga in like manner as other county salaries are paid. Beginning with said first day of January nineteen hundred and eight, no supervisor shall receive any other or greater sum for his said services except for such as may be by law a town charge, including the fees allowed by law for copying and extending the assessment rolls. Nothing herein contained shall be construed to alter, increase or diminish the salary or compensation now allowed by law to said supervisors during the incumbency or term of office of the present board.

§ 4. Beginning January first, nineteen hundred and eight, every town supervisor shall be entitled to receive, in addition to his said stated salary, mileage at the rate of eight cents a mile

for each mile actually traveled in going from his place of residence to the place of meeting of said board and returning therefrom by the most direct traveled route; said mileage to be allowed once for each month upon proof of the actual attendance of the supervisor claiming the same; all claims therefor to be presented to the board of supervisors audited and paid in the same manner as other county charges. Expenses actually incurred by any supervisor under the authority or direction of said board of supervisors may be allowed and paid by said board in like manner as other county charges; but no claims for expenses shall be audited or allowed which are not fully itemized, and verified by the affidavit of the claimant in the manner prescribed by law.

§ 5. Said board of supervisors shall have power to enact local laws and rules, consistent with the terms of this act, governing their own conduct and manner of doing business; to fix, and prescribe penalties for failure of its members to attend the stated or adjourned meetings of said board or of any committee thereof, and the manner of collecting the same; to prescribe the manner in which the business of any public office shall be transacted, or its records kept; and to fix the time when and the form in which reports shall be made to said board by any officer of said county.

§ 6. Such standing committees as are now prescribed by the rules adopted by said board, or which may hereafter be prescribed by said board shall be appointed by the permanent chairman of said board within twenty days after his election; such appointment to be in writing and filed with the clerk of said board of supervisors, who shall give immediate notice thereof to the members of said board by mail.

§ 7. For the proper classification of the expenditures made in behalf of the county, said board of supervisors may from time to time set apart and establish separate special funds in the hands of the county treasurer, and may increase or diminish the amounts thereof, and may annually include in the taxes assessed and levied in said county such sums as shall be necessary to restore such funds, or any of them, assessing back upon the several towns of said county, the city of Syracuse, or the county at large, respectively, such part of said disbursements as may be lawfully chargeable thereto. Except as provided in sections eight and nine of this act, no charge against said county shall be paid by the county treasurer upon any other authority than the order or warrant of said board of supervisors jointly signed by the clerk or deputy clerk of said board, and by its chairman, or by a

deputy chairman duly authorized by a resolution of said board, in case of the absence or disability of the permanent chairman, or a peremptory mandamus duly granted by a court of competent jurisdiction; such orders or warrants shall be payable on demand unless otherwise specified therein, pursuant to the resolution of said board directing such payments, but no bills allowed shall be made payable later than the fifteenth day of the month of February next ensuing. Every claim presented shall show upon its face by whom or on whose order it was contracted, and if for merchandise, the time when and the person to whom said merchandise was delivered; every claim presented shall be fully itemized, and verified by the oath of the claimant, or his agent.

§ 8. Said board shall, within three months from March first, nineteen hundred and six, enact local laws or rules governing the audit and payment of the following county charges: the per diem allowance and mileage of jurors drawn in the courts of said county; salaries or wages of county officials and employees; disbursements of the superintendent of the poor of said county; and disbursements of the superintendent of the penitentiary of said county; and fix and prescribe the form in which such claims shall be verified by the claimant, and certified by the clerk of the court or superintendent of the department in which incurred; but until such local laws or rules shall have been adopted, nothing in this act contained shall be deemed to alter or amend the existing provisions of law under which such county charges are paid by the treasurer of said county. Such local laws or rules shall not provide for payment of any of the charges enumerated in this section (except jurors' fees and mileage) in any other manner than upon the final audit and order of said board of supervisors. Said board, in and by such local laws, may require that all original bills, duly itemized and verified, shall be filed in the office of its clerk; in which case it shall be lawful for the county clerk or the superintendent of the poor or superintendent of the penitentiary, as the case may be, to require from the claimant duplicate bills and vouchers to be filed and preserved in his own department.

§ 9. Whenever in the judgment of a justice of the supreme court, or a judge of the county court in said county, any expenditure incurred in the administration of justice in said county by the district attorney or commissioner of jurors, or any other officer of said courts, ought to be summarily audited and paid, a certificate of such necessity, and of the allowance of such

claims, shall be made by such justice or judge, and upon the filing of such certificate with the clerk of the board of supervisors, a county order or warrant shall be forthwith issued, and signed by the clerk, or deputy clerk, or by the chairman thereof in case of their absence or inability to act. All orders based upon such certificates shall be payable forthwith out of the proper special fund in the county treasury, or, if such fund is insufficient, out of any unexpended fund in said treasury.

§ 10. All acts or parts of acts, general or special, inconsistent with this act are hereby repealed.

§ 11. This act shall take effect March fifth nineteen hundred and six.

Chap. 11.

AN ACT to amend section three of chapter thirteen of the laws of eighteen hundred and seventy, entitled "An act to incorporate the board of missions of the Protestant Episcopal church in the diocese of Albany," relating to the persons who shall constitute the board of missions, and to insert a new section therein to be known as section three-a legalizing the acts of the present board of missions.

Became a law, February 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter thirteen of the laws of eighteen hundred and seventy, entitled "An act to incorporate the board of missions of the Protestant Episcopal church in the diocese of Albany," is hereby amended to read as follows:

§ 3. The said board of missions shall consist of the bishop of the said diocese, for the time being, who shall be, ex officio, the president thereof, and of the bishop coadjutor of the said diocese, if there be one, who shall be ex officio, the vice-president thereof, and of the several archdeacons of the diocese, who shall be, ex officio members thereof; and of nine other persons, four of whom shall be clergymen and five of whom shall be laymen, residents within the diocese, and who shall be nominated in open convention in such manner as the convention of the diocese may direct, and shall be elected annually by the convention in such

manner as it may direct. In case there is no bishop coadjutor, then, in addition to the nine members elected in the manner above specified, a tenth member shall be elected by said convention, who shall be a clergyman resident anywhere within the diocese, and who shall be nominated in open convention and shall be elected annually by the convention in such manner as the convention may direct. And all vacancies occurring in the said board during the recess of the said convention, by death, resignation, removal from the said diocese, or otherwise, may be filled by the said board. The said board shall appoint a secretary and treasurer, and shall also cause to be kept a full and true record of its proceedings in a book, which shall, at all times, be open to the inspection of any member of the said convention.

§ 2. Said chapter is hereby amended by inserting therein a new section, to be section three-a, and to read as follows:

§ 3-a. The acts of the board of missions, as constituted by the annual convention of the diocese of Albany, held on November twenty-first and November twenty-second, nineteen hundred and five, from said dates down to the time this act takes effect, are hereby legalized, ratified and confirmed.

§ 3. This act shall take effect immediately.

Chap. 12.

AN ACT to amend chapter five hundred and eighteen of the laws of eighteen hundred and eighty-nine, entitled "An act to revise the charter of the village of Mount Morris," in relation to village officers and their duties, and in relation to the adoption of the town assessment-roll in said village.

Became a law, February 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter five hundred and eighteen of the laws of eighteen hundred and eighty-nine, entitled "An act to revise the charter of the village of Mount Morris," as amended by chapter five hundred and five of the laws of nineteen hundred, is hereby amended to read as follows:

§ 4. The officers of said village shall be a president, six trustees and one police justice, all of whom shall be electors of said village,

and the president, trustees and police justice shall be freholders in said village; the said president shall be elected at each annual election of said village to serve for one year, two of said trustees shall be elected each year as their terms expire for three years, and the police justice shall be elected, when his term expires, to serve for two years.

§ 2. Sections forty-six and forty-seven of such act are hereby amended to read, respectively, as follows:

§ 46. It shall be the duty of the board of trustees of said village to make an annual assessment of the taxable property of the said village, both real and personal, within thirty days after the annual election of officers in each year, and it shall be the duty of the trustees whenever they shall have completed such assessment to prepare an assessment-roll, and for that purpose shall adopt the assessment-roll of the town of Mount Morris of the last preceding year as a basis of their assessment, so far as practicable, and shall copy therefrom a description of all real property of the village and the value thereof as the same appears thereon; also all personal property and the value thereof assessed on said town roll to residents of the village, or to corporations taxable therefor therein, together with the names of the persons or corporations, respectively, to which such real or personal property is or should be assessed. If the valuation of any taxable property cannot be ascertained therefrom, or where the value of such property shall have increased, or diminished since the last assessment-roll of said town was completed, or an error, mistake or omission on the part of the town assessors of said town shall have been made in the description or valuation of taxable property, the board of trustees shall ascertain the true value of the property to be taxed, from the best evidence available. The board of trustees of said village is hereby vested with all the powers of town assessors to complete assessments and carry into effect the provisions of this act.

§ 47. Whenever the said board of trustees shall have completed an assessment-roll for any purpose whatever, they shall leave the same with the village clerk, and forthwith cause a notice to be conspicuously posted in three or more public places in said village, stating that they have completed the assessment-roll, and that the same has been left with the village clerk where it may be seen and examined by any person until a day fixed which shall not be less than ten days after posting said notices. The said board of trustees shall meet at the time and place specified in such notice and hear and determine all complaints in relation to any

assessments made by them. Such board of trustees shall have the same powers to review said assessments and shall proceed in all matters in relation thereto as town assessors.

§ 3. This act shall take effect immediately.

Chap. 13.

AN ACT to amend chapter four hundred and fourteen of the laws of eighteen hundred and eighty-seven, entitled "An act for the reorganization and incorporation of Syracuse university," relative to removing the limitation on the amount of property the university can take and hold.

Became a law, February 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter four hundred and fourteen of the laws of eighteen hundred and eighty-seven, entitled "An act for the reorganization and incorporation of Syracuse university," is hereby amended so as to read as follows:

§ 1. That the present trustees of Syracuse university, to wit: Charles Andrews, O. H. P. Archer, Erastus F. Holden, John F. Hurst, Benoni I. Ives, George F. Comstock, John Crouse, Francis E. Trowbridge, Peter Burns, James J. Belden, Alfred A. Howlett, John W. Archbold, Theodore Irwin, Edwin Nottingham, James H. Hoose, Isaac Gibbard, Luke C. Queal, David Decker, Forest G. Weeks, James B. Brooks, Edmund Ocumpaugh, J. E. Bills, J. B. Wentworth, Francis H. Root, Nathaniel C. Husted, John D. Slayback, John T. Martin, Wm. I. Preston, George Lansing Taylor, Philo Remington, George P. Folts, William H. Reese, Edwin R. Redhead, J. W. Eaton, William H. Hughes, L. L. Sprague, A. Griffin, William Connell, William H. Olin, and their successors, shall be and forever remain a body politic and corporate, in fact and in name, by the name of the Syracuse university; and by that name may and shall have continual succession forever hereafter, and shall have power and be able in law to sue and be sued, defend and be defended, in all courts and places whatsoever; to make and use a common seal, and to change and alter the same at their pleasure, to take by purchase, gift, grant, bequest, devise or in any

other manner, and to hold, for the purposes for which the said corporation is organized, any real or personal property and estate whatsoever; to take and receive any grant, gift, devise or bequest charged with one or more estates for life or for years or life annuities or annuities for a term of years, in which the reversion or remainder shall go to said university for the use of such university; and the said trustees and their successors shall have power to give, grant, demise, mortgage or otherwise dispose of, with or without the usual covenants of warranty, all or any part of the said real and personal estate as to them shall seem best for the interests of said university.

§ 2. This act shall take effect immediately.

Chap. 14.

AN ACT to amend chapter six hundred and thirty-eight of the laws of eighteen hundred and eighty-one, entitled "An act to amend chapter three hundred and thirty of the laws of eighteen hundred and sixty-seven, entitled 'An act to amend the incorporation of the village of Fairport in the county of Monroe,' " in relation to the compensation of assessors.

Became a law, February 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section twenty-nine of chapter six hundred and thirty-eight of the laws of eighteen hundred and eighty-one, entitled "An act to amend chapter thirty-three of the laws of eighteen hundred and sixty-seven, entitled 'An act to amend the incorporation of the village of Fairport in the county of Monroe,' " is hereby amended to read as follows:

2. To prescribe and define the powers and duties of the officers and agents of said village, whose powers and duties are not wholly specifically declared in this act, and fix the compensation of all officers and agents of said village whose compensation is not fixed by this act, except the compensation of the assessors of said village, whose compensation shall be three dollars per day for each day actually and necessarily devoted to the performance of their duties, and to confer such other additional powers and duties upon all officers and agents of said village as are not inconsistent or in conflict with the provisions of this act, or the laws of this state.

§ 2. This act shall take effect immediately.

Chap. 15.

AN ACT to amend chapter fifty-three of the laws of eighteen hundred and twenty-one, entitled "An act to incorporate the female academy of the city of Albany" by changing its corporate name and by fixing the amount of property it may take and hold and also in relation to the number, tenure of office, manner of election and quorum of its trustees and in relation to the annual meetings.

Became a law, February 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter fifty-three of the laws of eighteen hundred and twenty-one, entitled "An act to incorporate the female academy of the city of Albany," is hereby amended so as to read as follows:

§ 1. That the said James Kent, John Chester, Joseph Russell and others, their associates, together with such other persons as may become members of the corporation hereby created, shall be and hereby are constituted and declared to be a body corporate and politic, by the name of the Albany academy for girls; and by that name they and their successors, forever hereafter shall and may have succession, and be persons capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints, matters and causes whatsoever, and may have a common seal, and may change and alter the same at pleasure, and that they and their successors, by the said name, shall be forever capable in law to purchase, take, receive, hold and enjoy any estate, real and personal whatsoever, to the use of them and their successors, and to lease, sell, convey, or otherwise dispose of the same at their will and pleasure, and as to them shall appear most advantageous for promoting the purposes of the incorporation; provided always, that the amount of property which said corporation may take and hold shall not exceed the value of three million dollars (\$3,000,000), or the yearly income derived from which shall not exceed the sum of five hundred thousand dollars (\$500,000).

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. There shall be forever hereafter thirteen trustees of the said corporation, who shall be members thereof, and who shall manage all the affairs thereof, and who shall hold their offices until the next annual election of trustees as hereinafter provided and until the election of their successors.

§ 3. Section three of said act is hereby amended so as to read as follows:

§ 3. The annual meeting of said corporation shall be held on the second Wednesday of January, or at such other time in each year, and at such place in the city of Albany, as may be fixed by a resolution, or by the by-laws of said corporation, and a majority of the members who shall so meet, shall elect, by a ballot thirteen of their members to be trustees of the said corporation for the year then next ensuing; and the said trustees shall have power to choose out of their own number a president, a treasurer, and a secretary, who shall immediately enter on their offices and hold the same until the next annual election, and until others shall be chosen in their stead. And in case any of the trustees shall die, resign, remove from the state, or refuse or neglect to act, then, and in every such case, the remaining trustees shall and may thereafter elect by ballot a successor or successors who shall hold their offices until the next annual meeting and until others shall be chosen in their stead. The said trustees are further authorized by a resolution or by said by-laws to determine and fix a quorum, not less, however, than five members for each regular or special meeting of said trustees.

§ 4. This act shall take effect immediately.

Chap. 16.

AN ACT to amend the military code, relative to miscellaneous provisions.

Became a law, February 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and eighty-four of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting chapter sixteen of the general laws," as amended by chapter

three hundred and fourteen of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 184. **Formation of association; by-laws.**— The officers of any regiment, or battalion or squadron not part of a regiment, and members of any troop, battery, company, division, company of signal corps, field hospital, hospital corps or field music may organize themselves into an association, of which the commanding officer shall be president, and by a vote of two-thirds of all their members, form by-laws, rules and regulations not inconsistent with this chapter, and which shall conform to the system prescribed in general regulations and be submitted to the commanding officer of the national guard or naval militia, as the case may be, for his approval, and, when approved by him, such by-laws, rules and regulations shall be binding upon all commissioned officers and enlisted men therein, but they may be altered in the manner provided for their adoption, from time to time, as may be found necessary.

§ 2. This act shall take effect immediately.

Chap. 17.

AN ACT to amend the military code, relative to the composition and strength of organizations and alterations thereof, and the creation and organization of a field hospital.

Became a law, February 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-one of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting chapter sixteen of the general laws," is hereby amended to read as follows:

§ 21. **Composition and strength.**— The organization forming the national guard at this date, such others as may be organized hereafter, and such persons as may enlist or be appointed or commissioned therein shall constitute the national guard of this state. The present brigades, regiments, battalions, squadrons, troops, batteries, companies and companies of signal corps, shall remain as now established, but the governor shall have power to alter, divide, annex, consolidate, disband or reorganize the same, and create new organizations whenever, in his judgment, the efficiency of the state forces will be thereby increased, and he shall, at any time, have power to change the organization of

regiments, battalions, squadrons, troops, batteries, companies and signal corps so as to conform to any organization, system of drill or instruction, now or hereafter adopted for the army of the United States, and for that purpose the number of officers and noncommissioned officers of any grade in regiments, battalions, squadrons, troops, batteries, companies and companies of signal corps may be increased at his discretion. The governor shall have power to fix and from time to time to alter the maximum number of privates which shall form part of any organization irrespective of but not exceeding the maximum prescribed therefor in this chapter. The aggregate force of the national guard in time of peace, fully armed, uniformed and equipped, shall be not less than ten and not over eighteen thousand enlisted men; but the governor shall have power, in case of war, insurrection, invasion or imminent danger thereof, to increase the force beyond the said eighteen thousand, and organize the same as the exigencies of the service may require.

§ 2. Section thirty-six of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting chapter sixteen of the general laws," is hereby amended to read as follows:

§ 36. **Field hospital.**— There shall be attached to the headquarters of the national guard, one field hospital, which shall consist of one surgeon, of the grade of major; three assistant surgeons, each of the grade of captain; two field hospital sergeants, first class, who shall rank with hospital stewards; four field hospital sergeants, who shall rank with assistant hospital stewards; eight field hospital corporals; thirty-five field hospital privates, one field hospital musician, and one cook.

§ 3. This act shall take effect immediately.

Chap. 18.

AN ACT to amend the military code, relative to pay and allowances.

Became a law, February 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fifty-one of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting

chapter sixteen of the general laws," as amended by chapter three hundred and fourteen of the laws of nineteen hundred and one, as amended by chapter seventy-five of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 151. Duty pay.—Each officer and enlisted man ordered for duty by the governor, or under his authority by the commanding officer of the national guard or the commanding officer of the naval militia, shall receive the duty pay herein specified for every day actually on duty, except when so ordered for inspection, muster or small arms practice, or parade or review or field service not extending beyond one day; a musician or private one dollar and twenty-five cents; a corporal, one dollar and forty cents; an assistant hospital steward, color bearer or a sergeant, one dollar and sixty cents; a first sergeant, guidon sergeant, veterinary sergeant, drum-major, band-master, hospital steward, ordnance sergeant, commissary sergeant, quartermaster sergeant, sergeant-major, signal sergeant, or a signal sergeant of a squadron of cavalry or battalion of light artillery, two dollars; a first class sergeant of a signal company, two dollars and twenty-five cents; a sergeant of a signal company, two dollars; a corporal of a signal company, one dollar and seventy-five cents; a first class private of a signal company, one dollar and fifty cents; a field hospital corporal, one dollar and fifty cents; a first class private of a field hospital, one dollar and thirty-five cents; a noncommissioned officer performing the duties of a grade higher than his own shall receive the pay of such higher grade; a private acting as a noncommissioned officer shall receive the pay of the grade in which he is acting; each enlisted man who has served a full term of enlistment shall be entitled to additional pay at the rate of twenty-five cents per day during the second five years of his service and a further addition of twenty-five cents per day for each succeeding five years of service; a lieutenant, two dollars and fifty cents; a captain or company commander, three dollars; a major and a lieutenant-colonel, four dollars per day; a colonel or commanding officer of a regiment, or of a battalion or squadron not part of a regiment, five dollars; a brigadier-general, six dollars; a major-general, eight dollars; staff officers, the pay of officers of the line of equal grade; chaplains the pay of captains. Officers and men of the naval militia shall be paid according to their assimilated grade with those of the land forces herein set forth. When on duty or assembled therefor, in case of riot, tumult, breach of the peace, insurrection, invasion or war, or

whenever called in aid of the civil authorities, commissioned officers shall be entitled to and shall receive the same pay and allowances as commissioned officers of the army or navy of the United States of equal grade and term of service as the case may be. Each officer and enlisted man, mounted and equipped, shall be paid a reasonable compensation per day for each horse actually used by him.

§ 2. Sections one hundred and fifty-seven and one hundred and fifty-nine of said chapter, as amended by chapter three hundred and fourteen of the laws of nineteen hundred and one, are hereby amended to read as follows:

§ 157. Allowances for military organization; military fund.—On the certificate of the adjutant-general, the comptroller shall annually draw his warrant in favor of each county treasurer specified in such certificate, for the organizations of the active militia mentioned therein as follows: fifteen hundred dollars for each battery of light artillery and each troop, and one thousand dollars for each company of signal corps and field hospital, to be expended for mounted drills and parades, and for the feed and shoeing of horses in the service of the state; two hundred and fifty dollars for each company of signal corps, field hospital, separate troop, battery, separate company or division; and for each regiment, battalion and squadron not part of a regiment, company of signal corps, field hospital, separate troop, separate battery, separate company and division, for the purpose of defraying other necessary military expenses, a sum equal to one dollar and sixty cents for each of its enlisted men present for duty at each of the five compulsory drills or parades required in this chapter, which sums, together with the fines and penalties collected from delinquent enlisted men, shall constitute the military fund of such regiment, battalion or squadron not part of a regiment, company of signal corps, field hospital, separate troop, battery, company or division. Separate troops, batteries, companies and divisions, if organized into squadrons, battalions or regiments, shall thereby not be deprived of the allowances granted each in this section. Muster and inspection when ordered shall be counted as one of the five compulsory parades required to obtain the annual allowance.

§ 159. Allowances for headquarters.—On the certificate of the adjutant-general, the comptroller shall, annually, draw his warrant upon the treasurer for the following sums, namely: twelve hundred dollars for the headquarters of the naval militia, and

for each brigade headquarters; fifteen hundred dollars for each regimental headquarters; five hundred dollars for each battalion and squadron headquarters, one hundred dollars additional for each naval battalion provided it contains a special division. For brigade headquarters in brigades covering a territory of more than ten counties, five hundred dollars, and in brigades whose organizations are located in fifteen or more counties, eight hundred dollars additional shall be allowed. For the headquarters of each regiment whose organizations are located in more than four counties, an additional one hundred dollars shall be allowed for each county in excess of four, in which a company organization of such regiment is stationed. For the headquarters of each separate battalion whose organizations are located in more than two counties, an additional one hundred dollars shall be allowed for each county in excess of two, in which a company organization of such battalion is stationed. The funds thus allowed shall only be expended by the respective commanding officers on the approval of the adjutant-general.

§ 3. This act shall take effect immediately.

Chap. 19.

AN ACT in relation to tax sales heretofore made by the treasurer of the county of Genesee.

Became a law, February 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The treasurer of the county of Genesee is hereby authorized to publish once in each week for six successive weeks in the newspapers designated by the board of supervisors of such county to publish the session laws, the notice required by section one hundred and thirty of the tax law, of lands in such county heretofore sold by him for taxes and unredeemed, notwithstanding the fact that such notice was not published within the time required by such section, and upon the expiration of three months after the first publication of such notice, such publication shall have the same force and effect as if it had been duly published as required by section one hundred and thirty of the tax law.

§ 2. Upon the expiration of three months from the first publication of the notice provided for in section one of this act,

the treasurer of such county is hereby authorized to execute and deliver to the purchasers of land sold by him for unpaid taxes in the year nineteen hundred and four, and who have not received conveyance of the same, or to their assigns, deeds of conveyance of the parcels of land respectively purchased by them, provided such lands are not redeemed in pursuance of such notice prior to the expiration of the said three months, and such deeds of conveyance when executed and delivered shall be valid and of the same force and effect as though final notice of the expiration of the time to redeem had been duly published and such deeds duly executed as required by law.

§ 3. Nothing in this act shall effect any action or special proceeding now pending in any court, relative to, or arising out of, failure to publish such final notice.

§ 4. This act shall take effect immediately.

Chap. 20.

AN ACT creating the office of purchasing agent for the county of Onondaga, and prescribing his powers and duties.

Became a law, February 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. At its first regular meeting in the year nineteen hundred and six, the board of supervisors of Onondaga county shall elect and appoint a purchasing agent for said county, and fix his term of office. Said purchasing agent shall receive a salary of two thousand dollars per year to be paid in like manner as other county salaries are paid. Said board may authorize said purchasing agent to employ a stenographer at the expense of the county at a salary of not to exceed five hundred dollars per year. The county of Onondaga shall provide an office for the purchasing agent and the necessary books and stationery therefor. When elected, said purchasing agent shall give a bond to the county in the sum of ten thousand dollars, conditioned for the faithful performance of his duties which bond shall be approved as to its form, and the sufficiency of sureties by the board.

§ 2. The purchasing agent shall make all purchases, and all contracts for supplies of every nature, other than primary and

election supplies, for the county, for its board of supervisors, or for any county department, office, official building or institution, and for the payment of which the county shall be liable. All required supplies which can be furnished by the state prisons shall be purchased from them by requisition on the superintendent of state prisons. In case any such purchase or contract for articles that cannot be furnished by the state prisons shall involve an expense exceeding seventy-five dollars, said purchasing agent shall advertise for at least three consecutive days in an official newspaper of the county for bids on the same, and said contract shall be let to the lowest responsible bidder, who must give adequate security for the performance of his contract, if required by said purchasing agent, or the board of supervisors.

§ 3. All supplies furnished at the county's expense, except such as are delivered to the purchasing agent shall be receipted for by the official, or the head of the department or office to which they are delivered, and such receipt shall accompany the sworn statement and bill when presented to the purchasing agent. No supplies shall be delivered except as specifically ordered by the purchasing agent. No supplies shall be delivered by the purchasing agent to any person, official, department, or institution, except on a requisition in writing from the county official desiring the same, or in charge of the department or institution for which the same are required.

§ 4. The purchasing agent shall, upon the first day of each month, furnish to the board of supervisors a detailed statement showing, up to a certain day of the preceding month, all purchases or contracts made by him, the quantity, price and total charge for each, and all supplies delivered and to what official, department or institution delivered. The board of supervisors shall not audit or pay any bill for supplies unless it shall fully appear that said supplies were ordered by the purchasing agent, and a bill therefor, duly sworn to, be presented to the board by the purchasing agent indorsed with his approval. All requisitions received by the purchasing agent shall be filed in his office and shall be open to the public, under reasonable regulations for their safety and preservation.

§ 5. All acts, or parts of acts, general or special, inconsistent with this act are hereby repealed.

§ 6. This act shall take effect March fifth, nineteen hundred and six.

Chap. 21.

AN ACT to amend chapter four hundred and seventy-eight of the laws of eighteen hundred and ninety-three, entitled "An act to incorporate the city of Olean," relative to elections, terms of office, annual financial statement and municipal year, and to repeal certain provisions thereof.

Became a law, February 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections eight and eleven of chapter four hundred and seventy-eight of the laws of eighteen hundred and ninety-three, entitled "An act to incorporate the city of Olean," are hereby repealed.

§ 2. Sections nine, ten, twelve and thirteen of such act are hereby amended to read respectively as follows:

§ 9. Every inhabitant of said city, who shall at the time and place of offering his vote, be entitled to vote for member of assembly, shall be then and there entitled to vote for all officers to be elected by the city at large, and for all ward officers and the supervisor, if any, to be voted for in the ward in which such inhabitant shall be a qualified elector.

§ 10. An election of all the elective officers under this act shall be held in the several election districts in said city at the same time as the general elections are held, for the election of elective officers of said city to fill the offices of all the elective officers whose terms will expire the next succeeding thirty-first day of December.

§ 12. Whenever a vacancy in any office shall occur requiring a special election to fill the same, the common council shall by resolution order such election to be held not less than twenty nor more than forty days after the adoption of such resolution. The clerk of said city shall immediately thereafter publish a notice of such election once a week until such election in two newspapers published in said city. Certificates of nomination for the office or offices to be filled at such election shall be filed with the clerk of said city at least fifteen days before such election. Every such special election shall be conducted and the vote canvassed

by the inspectors of election in the same manner as that provided by article five of the election law, excepting that the statement of the result of such election and all papers relating to such election, as provided in said article five, shall be filed with and returned to the clerk of said city by such inspectors of election.

§ 13. The common council of said city shall be the board of canvassers of said city, and shall meet on the day next succeeding every election and from the certificates or certified copies of the certificates of the inspectors of election of the several election districts as the case may be, filed with the clerk of said city as provided by law, proceed to canvass the votes cast for all city officers voted for at such election, and shall declare the persons receiving the highest number of votes for each office respectively elected. It shall be the duty of the clerk of said city to notify the several persons so declared elected of their election, within five days thereafter. In case the day succeeding any such election shall fall upon Sunday or a legal holiday, said board of canvassers shall meet on the next succeeding day thereafter.

§ 8. Section one hundred and twenty-one of such act, as amended by chapter three hundred and twenty-seven of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 121. It shall be the duty of the common council to cause to be made and published in the official paper, each year during the month of October, a summary statement of all moneys received for and on account of the city and of all moneys expended and indebtedness incurred for and on account of said city during the twelve months ending on the thirtieth day of September next preceding.

§ 4. Section one hundred and twenty-three of such act is hereby amended to read as follows:

§ 123. The municipal year of said city shall begin on the first day of January, and the term of office of all officers elected as provided in this act shall commence on the first day of January next succeeding their election. When by the provisions of this act, the term of any officer shall be for one year or a series of years, such term of office shall be computed by municipal years, and for the purpose of determining when the term of such officer shall end, the municipal year in which the officer shall take office shall be deemed to be an entire year, although such officer may not

have taken office until after such municipal year shall have begun, so that the terms of office of all such officers shall end at the end of a municipal year. The term of office of every elective or appointive officer of said city elected or appointed for a term extending beyond the first day of March, nineteen hundred and six, shall expire on the thirty-first day of December in the last year of the term for which such officer was elected or appointed. The terms of office of all officers of said city thereafter elected or appointed shall expire on the thirty-first day of December in the last year of their respective terms.

§ 5. This act shall take effect March first, nineteen hundred and six.

Chap. 22.

AN ACT to change the name of the international supreme lodge of the independent order of good templars to the international supreme lodge of the international order of good templars.

Became a law, March 1, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter forty-one of the laws of nineteen hundred, is hereby amended to read as follows:

§ 1. Joseph Malins, George F. Cotterill, D. C. Mackellar, Jessie Forsyth, Benjamin F. Parker, W. Martin Jones, Delos M. Mann, F. B. Boyce, John Fox Smith, Charlotte A. Gray, D. C. Cameron, Peder Svendsen, George Irving, Emily Lindquist, James Yeames, S. B. Chase, R. Semple, Doctor Oronhyatekha, George W. E. Hill, August Foré, Alfred C. Clausen, Edward Wavrinsky, Victor Holmes, Annie M. Saunders, Uriah Copp, Theodore D. Kanouse, F. N. Spence, George Spence, Willard O. Wylie, Thomas Nixon, O. W. Blain, J. H. Durkee, Andrew A. Scott, James Wright, John E. West, Edgar S. Marvin, De Witt Hooker, I. C. Andrews, Willis P. Hendrick, Harry Wellman, L. L. Gillett, Alfred Backus, W. H. Lambly, Chauncey H. Hayden, A. J. Wheeler, Samuel D. Hastings, William H. Clark, Eugene H. Chefin, and all persons who now are or may hereafter become, associated with them or their successors are hereby constituted a body politic and corporate by the name and title of the interna-

tional supreme lodge of the international order of good templars and as such shall have perpetual succession and be able to sue and be sued in all courts of record and elsewhere and they and their successors may have and use a common seal and alter and renew the same at pleasure and for the purpose of their incorporation as hereinafter named and for no other purpose, to purchase and receive, take and hold lands, tenements and hereditaments, goods, money, chattels and all kinds of estate which they may obtain by gift, grant, devise or bequest in any last will or testament, so far as the laws of this state in regard to devises will permit, and the same to sell, alien, devise or convey as the interests of said corporation may require. Provided, always, that the clear yearly income of the real and personal estate held by the said corporation shall not, at any time, exceed the sum of two hundred thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 23.

AN ACT to change the name of the grand lodge of the independent order of good templars of the state of New York to the grand lodge of the international order of good templars of the state of New York.

Became a law, March 1, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter five hundred and fifteen of the laws of eighteen hundred and sixty-nine is hereby amended to read as follows:

§ 1. Silas Ball, Horace S. Hulbert, A. T. Randall, W. J. McKee, H. F. Fenin, B. F. Melrose, J. E. Chapin, Joseph H. Petty, H. H. Morse, Samuel Gottwals, Chancey Boughton, J. A. Vance, M. M. Earl, M. E. Dunham, G. Bowen, Junior, W. W. Lyle, G. Clarke, M. C. Bignall, John O'Donnell, J. B. Van Petten, E. M. K. Glenn, Jessie T. Reynolds, Samuel B. McIntyre, Charles M. Scholefield, R. S. James, William B. Taylor, Sanford M. Foster, Addison B. Tuttle, S. R. Pratt, J. W. Mitchell, and all persons who are now or may hereafter become associated with them, or their successors, are hereby constituted a body politic

and corporate by the name and title of the grand lodge of the international order of good templars of the state of New York, and as such shall have perpetual succession, and be able to sue and be sued in all courts of record, and elsewhere, and they and their successors may have and use a common seal, and alter and renew the same at pleasure; and for the purpose of their incorporation as hereinafter named, and for no other purpose, to purchase and receive, take and hold lands, tenements and hereditaments, goods, money, chattels and all kinds of estate which they may obtain by gift, grant, devise or bequest in any last will or testament, so far as the laws of this state in regard to devises will permit, and the same to sell, alien, devise or convey as the interests of said organization may require: provided, always, that the clear yearly income of the real and personal estate held by the said corporation shall not at any time exceed the sum of twenty thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 24.

AN ACT to make the office of sheriff of Cayuga county a salaried office, and regulating the management of said office.

Became a law, March 1, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. After the expiration of the term of office of the present sheriff of the county of Cayuga, and thereafter, the sheriff of the county of Cayuga shall receive as compensation for all his services an annual salary of three thousand dollars per annum, which salary shall not be increased or diminished during the term for which such sheriff shall have been elected.

§ 2. It shall be the duty of such sheriff to perform all the services which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office for the state, for the county and for individuals, including his duties as officer of the courts and keeper of the jail, and no compensation, payment or allowance shall be made to him for his own use for any such services except the salary aforesaid.

§ 3. All the fees, emoluments and perquisites which such sheriff shall charge or receive, or which he shall legally be authorized, required or entitled to charge or receive shall belong to the county of Cayuga. It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees, emolu-

ments or perquisites for said county and such officer shall require payment in advance for all services rendered by him or by his under-sheriff in his or their official capacity by virtue of any law of this state or by order of the court or by order of the board of supervisors of said county or any duty that may hereafter by law be devolved upon him that is not a county charge; and such sheriff and his under-sheriff shall perform such duties as he may be able and shall contract with such deputies as he be able for such percentage of fees earned by them as shall be just and proper and as shall be approved by the board of supervisors of said county, and shall require payment by said deputies of such proportion of fees so earned by them to himself for the benefit of said county of Cayuga.

§ 4. In a proper book or books, to be provided at the expense of said county, such sheriff shall keep an exact and true account of all official services performed by him or his under-sheriff or deputies with whom he has contracted for a portion of fees earned by them, and all moneys, fees, perquisites and emoluments received or chargeable by him or them pursuant to law; such book or books shall constitute a part of the records of such office and shall at all times during office hours be open to the inspection, without charge or fee therefor, of all persons desiring to examine the same.

§ 5. Such sheriff shall make a full and true statement at the end of each quarter of a year of all moneys received each day by him or by his under-sheriff or deputies with whom he has so contracted for fees, perquisites and emoluments for all services rendered by him or them in his or their official capacity, and shall transmit and deliver such statement to the county treasurer of said county within ten days from the expiration of said quarter; such statement shall be properly itemized and shall also show the total receipts of said quarter. Every such statement shall have attached thereto an affidavit of said sheriff, in effect that the same is, in all respects, a full and true statement of all moneys received by him as herein required.

§ 6. At the time of rendering every such statement such sheriff shall pay over to the county treasurer of the county of Cayuga for the benefit of said county the whole amount of moneys so received by him since making the last preceding quarterly statement.

§ 7. Every such sheriff, before entering upon the duties of his office, shall execute to the county of Cayuga, and file with the treasurer of said county, an undertaking to said county, in addition to any other required by law, in the sum of ten thousand dollars, with sufficient sureties to be approved by the county judge of Cayuga county, to the effect that he will faithfully perform the

duties devolving upon him, and pay over to said treasurer, as herein provided, all moneys which shall come into his hands as herein provided. If any such sheriff shall neglect for thirty days to execute or file any such bond according to the provisions of this act his office shall thereupon become vacant. Such bond shall be recorded in the office of the county clerk of said county.

§ 8. The jail of the county shall be kept by the sheriff, as now required by law. All furniture, implements, materials, food and supplies of whatever nature, necessary for the custody and maintenance of the prisoners and persons detained within said jail, shall be provided by said sheriff, and his actual and necessary expenses in providing the same shall be a county charge and be paid by the county as follows: The sheriff shall keep a correct and itemized account of such expenses in a book or books provided for that purpose at the expense of said county, each item of such account shall specify the date at which it was incurred, to whom paid, the place where paid and for what, or the purpose for which it was paid. The sheriff shall also obtain a voucher for each item incurred by him so far as practicable, and if any such item exceeds the sum of twenty-five dollars it shall be duly verified as to its correctness, and the payment thereof, by the affidavit of the person furnishing the same. At the end of each calendar month, or within five days thereafter, the sheriff shall present to the chairman of the board of supervisors of said county, a written verified statement in detail of all the items of his said expenses for such month; the chairman of said board of supervisors shall forthwith examine said statement, and within five days after having so received the same, attach his certificate thereto, certifying what amount thereof he finds correct and thereupon said chairman shall return to the sheriff said statement, with his said certificate attached thereto. The sheriff shall thereupon present the same to the county treasurer of Cayuga county, who shall forthwith pay to said sheriff the amount certified by said chairman to be correct. The verification of such statement shall be by the affidavit of the sheriff, that said statement is in all respects full and true, and shall be positive and not on information and belief. In case any portion of said account of said sheriff is not verified by said chairman to be correct, the same may be presented by said sheriff to the board of supervisors of said county for audit, and the amount allowed therefor shall be paid as other county charges.

§ 9. The said sheriff shall also be allowed and entitled to receive the necessary and actual disbursements incurred by him in the discharge of his duties, or in performing any service for which the county receives, or is entitled to receive, the fees therefor under this act, which said disbursements shall be audited and

allowed by the board of supervisors as other claims against the county are audited and allowed.

§ 10. There shall be one under-sheriff who shall be paid an annual salary of twelve hundred dollars. One office deputy who shall be paid an annual salary of one thousand dollars and one jailer who shall be paid an annual salary of eight hundred dollars. The salaries of said sheriff, under-sheriff, deputy and jailer shall be paid as salaries of other county officers are paid.

§ 11. It shall be the duty of such deputies as said sheriff shall contract with for a portion of fees earned by them to make report to said sheriff at the end of each quarter year of the amount of fees earned by them and the proportion thereof, payable to said sheriff, and within ten days from the expiration of said quarter pay the proportion belonging to said county to said sheriff. And any officer referred to in this act who shall receive to his own use or neglect to account for any moneys, fees, perquisites or emoluments by this act declared to belong to and for the benefit of the county of Cayuga or who neglects to render to said county treasurer or sheriff an account of all fees received or to pay over the same as herein required, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or imprisonment or both at the discretion of the court before whom such officer shall be convicted and shall be liable to said county in a civil action for all moneys so received and not accounted for.

§ 12. Said sheriff may require bonds, subject to his approval, from his under-sheriff and deputies to secure him for the faithful performance of the duties and accounting of all fees, perquisites and emoluments.

§ 13. All acts and parts of acts inconsistent with this act are hereby repealed.

Chap. 25.

AN ACT to provide for the paving and improvement of certain streets in the village of Green Island, Albany county, and to provide for the method and means of paying therefor.

Became a law, March 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Within twenty days after the passage of this act the board of trustees of the village of Green Island shall appoint

three freeholders of said village to be commissioners who shall constitute a commission to be known as the public improvement commission of the village of Green Island. If such appointments are not made within twenty days the president of the said village shall have full power to appoint said commissioners.

§ 2. The said commissioners so appointed shall hold office by virtue of said appointment for a period not to exceed two years, but shall be subject to removal, at any time, by a two-thirds vote of the board of trustees of the village of Green Island, and their powers shall expire with the completion of the duties herein imposed. When a vacancy occurs in the office of commissioner by reason of death, resignation or disqualification, the same shall be filled in the same manner as the said commissioners were originally appointed. Each commissioner shall receive for his services as such commissioner the sum of two hundred dollars per annum.

§ 3. Each commissioner, before entering upon the duties of his office, shall take and subscribe an oath to honestly and faithfully discharge the duties conferred upon him, and file the oath with the clerk of the village. The board of trustees of the village shall furnish said commission with office room. Within thirty days after their appointment, the said commissioners shall meet in the village of Green Island and organize the said commission. Said commission may appoint a person not a member of said commission, as clerk of said public improvement commission, and shall prescribe his duties and fix his salary not to exceed two hundred dollars a year.

§ 4. A meeting of the majority of said commissioners shall be necessary for the transaction of any business.

§ 5. All the meetings of said commission shall be public, and the secretary shall duly record all proceedings of their meetings. It shall be the duty of the commission to make a final, full and complete report to the board of trustees of the village of Green Island, at the termination of the commission, setting out the result of their labors on the completion of their duties.

§ 6. The said commission shall have authority to arrange for and provide competent engineering, superintendence and inspection of the work herein provided for, and to employ counsel whenever the same shall be necessary, and to take all necessary legal proceedings to carry into effect all the provisions of this act. It shall be a misdemeanor, punishable by fine or imprisonment, or both, for any member of said commission, or for any

employee, engineer, superintendent or inspector, appointed or employed by them, to be in any way or any manner interested, directly or indirectly, in furnishing any material for the work herein provided for.

§ 7. The said commission is hereby empowered, authorized and directed to pave or caused to be paved, and to curb George street, from the north side of the railroad tracks of the Delaware and Hudson company to the north side of Tibbitts avenue, including that space north to the south side of a certain crosswalk now running from the plat of land called the "park" to lot number eight hundred and forty-six (now occupied by the Methodist church), as laid down on the village map; and also each street crossing or intersecting George street up to the crosswalk across said street, as now laid down; and to properly provide for curbing of suitable size and character, to be placed or replaced on both sides of said streets or part of streets herein designated to be paved.

§ 8. As soon as practicable, after the passage of this act, the said commission shall establish a grade line and curb line for said streets and parts of streets to be paved, and shall cause a survey, map and profile thereof to be made and signed by the said commission, or a majority of them, and duplicates thereof shall be filed in the clerk's office of Albany county, and in the clerk's office of the village of Green Island. Such maps shall also show the house lines of said streets, the lot lines and frontage, and the names of each owner of real property abutting said streets, or parts of streets, to be paved, known to said commission; and if unknown, the lots shall be marked unknown; and also the tracks of any street surface railroad company occupying any portion of said streets, and the number of square feet thereof occupied by such railroad, including in such quantity the space between its tracks, the rails of its tracks, and two feet in width outside of its tracks.

§ 9. Said public improvement commission shall have power and authority:

First. To modify the grades of the streets herein specified as those to be paved, and to establish and reestablish grades for the same, and to determine the location of the curbstones and curbing thereon.

Second. To cause the streets, parts of streets and public ground herein specified to be paved or repaved; and to construct any and all curbing at the curb line which it may deem necessary for the proper paving or repaving of said streets so designated; and to lay and relay any and all abutting crosswalks on the intersecting streets.

Third. To appropriate and use for the purpose of the proposed improvement all earth, stone and other things obtained in the prosecution of said work, and to dispose of such as shall not be required for that purpose in such manner as they may deem proper.

Fourth. To advertise for proposals and contract in the name of the village of Green Island, for any and all of the work herein prescribed, to be performed at such prices and upon such terms and considerations as the said commission may deem proper, and to require such security from bidders and contractors as said commission may deem necessary.

Fifth. To make and enforce such rules, regulations and restrictions as they deem proper, from time to time, for the government of their body and the guidance and direction of the contractors, agents and employees engaged in any of the improvements done under this act.

Sixth. To have the full and exclusive power and authority to audit all claims against the village of Green Island, contracted by them under this act and to transmit the same to the board of trustees of the village of Green Island for payment.

Seventh. To have the full and exclusive power of the board of trustees of the said village in and over the streets so designated to be paved and repaved during the progress of the work.

Eighth. In case any building or lot on any of said streets to be paved under the provisions of this act shall not have water and sewer facilities with the present water and sewer system in use in said village it shall be the duty of the said commission to furnish and extend lateral pipes and sewer connections of proper size from such sewer and water mains in said streets to the inside of the curb line of each lot or tract of land on the streets so to be paved; the expense of such lateral pipes and sewer shall be a charge and lien upon the respective lots and tracts of land in front of which they shall be laid, and the amount thereof be added to the assessments hereinafter provided for the expense of paving said streets and collected therewith. For the purposes of this subdivision the said commission, and its employees are hereby authorized to enter any building on said streets so to be paved and make such examination thereof as they deem necessary.

Ninth. To construct such cesspools on the streets herein designated to be paved and to connect them with the present sewer system of said village as they may deem necessary.

Tenth. To remove any and all obstructions from the streets which in their judgment in any way or manner is detrimental to the work and improvements herein authorized.

Eleventh. To compel the owner or owners of premises adjoining the street or streets to be paved under this act to grade and regrade the sidewalks in accordance with the grade prescribed by the said commission and in case the same shall not be done within ten days after notice to the owner or occupant the work shall be done under the direction of the said commissioners and the expense shall be a charge and lien upon the respective lots in front of which they shall be laid, and the amount thereof shall be added to the assessment and collected therewith.

Twelfth. To require all corporations, firms and persons as may have occasion to use said streets to be paved, or which have any interest therein, to lay and relay so much of such underground or surface pipes, mains, tracks, conduits, subways, shutoff boxes, drains and manholes, in such streets so to be paved, which shall be found to be worn, rusted, decayed, defective or unserviceable, and not to properly meet the purpose for which it was intended, or which may be dangerous to said pavement or to abutting property, as said commission shall deem proper to be laid between the curb lines of such streets, prior to the permanent improvement of such street. In case any such work, so required, shall not be done within the time fixed by said commission, the commission shall cause the same to be done, and assess the cost thereof against the corporation, firm or individuals owning or using the same, and against the franchise therefor, and the cost thereof shall be a lien enforceable in the same manner as herein provided for the collection of the several assessments; and shall be a valid counterclaim on the part of the village of Green Island to reduce any indebtedness of the village to such corporation, firm or individuals.

§ 10. The said commission shall cause plans and specifications of the work herein provided for to be prepared and placed in some convenient place in said village for public inspection for a period of at least two weeks before the same are finally accepted, and adopted by them, and before advertising for bids for the construction of the same. In preparing such plans and specifications the said commission shall provide:

First. For paving and repaving the streets herein designated to be paved, and so much in addition thereto of such cross and intersecting streets as is to be paved under the provisions of this act.

Second. For the placing of new curbstones of such size and character as they shall determine on each side of said streets and parts of streets to be paved.

Third. For the proper laying of such pavement with concrete foundation.

Fourth. For the grade of such new pavement as far as practicable to be such that no surface water from adjoining streets shall

flow on to the streets to be paved, and so that all such water shall be emptied into cesspools connected with the present sewer system of said village.

§ 11. Specifications and contracts for paving may provide that all persons submitting bids or proposals shall agree to keep and maintain the paving in good repair for a certain term or period.

§ 12. After said commission shall have finally adopted plans and specifications for the work and improvement authorized by this act, they shall publish in at least two newspapers, one of which shall be in said county, a notice, specifying the time and place where said plans and specifications can be examined and the date, hour and place, not less than two weeks after the first publication, when said commission will receive sealed proposals for the construction of such work, which proposals must be accompanied by the written consent of two sureties, or of a solvent company, to sign, execute and deliver to the village of Green Island such bond as may be required for the faithful performance of such contract. Upon the day mentioned in the notice or upon such subsequent day as said commission shall adjourn to for that purpose, the president of the commission, or in his absence, the presiding officer, shall in the presence of such commission open such bids or proposals. The said commission may then, by a majority vote, taken by ayes and nays, award the contract for such work, or may adjourn their proceedings from time to time before awarding the same. The right is reserved, however, to said commission to reject any or all of such bids or proposals when in their judgment it is for the best interest of the village to do so. The party whose bid is accepted shall thereupon be required to enter into a written contract with the village of Green Island for the construction of such work, in such form and with such stipulations, limitations, requirements, covenants and conditions as the said commission shall direct, and to deliver to the village of Green Island a bond for the faithful performance thereof, in a penalty to be fixed by said commission, not less than one-half of the contract price, duly executed and acknowledged by two or more sufficient sureties, or by some solvent surety company doing business in this state approved by said commission.

§ 13. After the total cost and expenses of the work herein authorized, shall be ascertained by said commission, the expense thereof shall be apportioned and assessed by them as follows:

First. Against any railroad company occupying any portion of said streets so to be paved, all the expense of paving that portion of said streets occupied by its tracks, the rails of its tracks, and two feet in width outside of its tracks; provided said railroad company does not pave the said portion of said streets, when so required.

Second. Against the village of Green Island, all the expense of street and alley intersections, except such portions as are required to be paved as first above provided, and also the entire expense of cesspools and the work of connecting the same with the sewer system of the village.

Third. One-half of the balance thereof against the village of Green Island.

Fourth. And the balance thereof against the lots or tracts of land bounded on that portion of the street so to be paved, the amount of such assessment against each lot to be determined by the benefit to said lot, on the streets to be paved. No adjoining or abutting property shall be exempt from assessment under this act.

§ 14. The said commission shall make a list of said assessments in which they shall state the names of the persons or corporations, assessed or owning property chargeable with the expense of said improvement if such names are known to them; if not known to them, it shall be charged against owners unknown; also a description of the property which, if it be a lot or parcel shall be sufficient, if it refers to the number of the lot or parcel as it is laid down on the map of said village of Green Island, or the map made and filed under the provisions of section eight of this act, and the streets where situated; also, the amount chargeable to each lot or parcel or other property, as the case may be, or the part of a lot, which list when so completed, shall be filed with the copy of said map in the office of the clerk of the village of Green Island, and shall be open to the inspection of any person affected thereby for the space of twenty days. It shall be the duty of said commission immediately upon filing such assessment with the village clerk to cause a notice to be served on each person named in said list, either personally, or by mail, directed to their reputed places of residence, if known to said commission, stating the time when and the place where the persons feeling themselves aggrieved with such assessment will be heard for the purpose of equalizing, correcting or making such alterations in such apportionment by increasing or diminishing the amount assessed to each of the persons and corporations named in the said list and which notice shall state the amount which is charged to the person or corporation served with such notice, and if the place or residence of any person named in said list is not known to the said commission, then such notice addressed to unknown owners shall be served as to them by fixing the same on the

front door of corporation hall in the village of Green Island. The day for such hearing shall be on a day subsequent to the expiration of the twenty days from the filing of said list as above provided. Said hearing may be adjourned from time to time. At the time and place of hearing mentioned in such notice, it shall be the duty of said commission to hear any person interested in said assessment, and feeling himself aggrieved, and after such hearing and duly considering the objections, suggestions and arguments for and against said assessment, it shall be their duty to equalize, correct and alter said assessment when improperly or unfairly and erroneously applied, by increasing or diminishing the respective amounts, as to the commission shall seem just and proper, which equalization, correction or alteration when so made by said commissioners, increasing or diminishing the amount charged to any person mentioned in said list by apportionment, shall be final and conclusive in the premises, and thereupon said commission shall confirm their assessment and sign and certify to the same, and file a duplicate copy with the clerk of the said village, and notices that such assessment has been completed shall be posted in three public places in said village of Green Island immediately on the completion thereof. Upon the filing of such assessment with the clerk of said village, the amount of the cost of said improvements as fixed by said commission therein shall be a first lien upon the respective parcels of land and railroads and franchises therefor described therein, and said amount shall be collected and the lien enforced in the manner hereinafter provided.

§ 15. The amount of each assessment shown on said list shall be due and payable to the village of Green Island ten days from the completing the same, and shall be paid to the person designated by the board of trustees of the village of Green Island, within thirty days thereafter, by each person and corporation against whom the same is assessed; but if the said assessment is not paid within thirty days, it shall be divided, one portion of which shall become due and payable each successive year on the date the said assessment was due, until the same is paid in full, paying interest on the unpaid portion thereof, at the rate of six per centum per annum, from the time the assessment was due, and one per centum per month in addition thereto, after the expiration of ten days from the time any annual instalment is due on such unpaid portion. But any subsequent annual assessment may be paid on any day when any prior annual instalment is due.

§ 16. After the completion of said assessment, it shall be the duty of said commission to notify the board of trustees of the village of Green Island in writing, the amount assessed against the village of Green Island. The board of trustees shall issue bonds, not to exceed the sum of forty thousand dollars (\$40,000) to pay for the village portion of the expense of such work, under section thirteen subdivisions two and three of this act; said bonds shall be of such denomination as the board of trustees shall determine, bear interest at not exceeding four per centum per annum, and mature in sums not exceeding two thousand dollars in any one year. Said bonds shall bear date July first, nineteen hundred and six, and the interest thereon shall be payable semi-annually on January first and July first of each year during their respective terms. Said bonds shall be signed by the president and village clerk, and sealed with the village seal. The board of trustees shall convert such bonds into money at not less than their par value, or may obtain temporary loans on the same, and the proceeds therefrom shall be used only for the payment of the cost of such work, as the accounts and vouchers for the same are audited and transmitted to them, through the secretary of the said public improvement commission herein established. Said bonds shall mature as follows: Five hundred dollars on July first, nineteen hundred and seven, and five hundred dollars on the first day of July of each successive year thereafter, to nineteen hundred and twelve, inclusive; two thousand dollars on July first, nineteen hundred and thirteen and two thousand dollars on each successive year thereafter, until the full amount of said bonds are paid. Said bonds when so issued, shall be a lien upon all the taxable estates in the village of Green Island, both real and personal. The board of trustees of the village of Green Island shall raise by tax in the manner now provided by law for raising taxes on the taxable property in said village, in addition to the other taxes, authorized by law, the amount of principal, or interest, or both, of said bonds as the same shall become due in any year.

§ 17. Pending the levy and collection of the assessments, the board of trustees is hereby authorized and empowered to issue certificates of indebtedness, or assessment bonds, of the village of Green Island, not to exceed the amount to be levied against the abutting lots or tracts of land bounded on the streets to be paved, and against the railway companies occupying the streets to be paved; and such certificates or bonds to draw interest not to

exceed five per centum per annum, and to be signed by the president and village clerk, and to be sold at not less than par; and the proceeds thereof shall be used only for the payment of obligations entered into under this act for the pavements and work herein authorized to be performed. Such certificates of indebtedness or assessment bonds shall be and become a lien upon all the taxable estate, both real and personal, within said village, and the board of trustees of the said village is hereby authorized to re-issue such certificates of indebtedness or assessment bonds, for the payment of the interest thereon or the principal thereof at maturity provided the amount has not been collected from the property assessed therefor.

§ 18. All funds raised by the board of trustees of the said village, under the provisions of this act, shall be kept by the treasurer of said village in a separate account, to be known as the paving funds of said village; and no portion of the same shall be used for any other purpose than to pay for the paving of the streets involved in such contracts, herein provided for; and for payment of principal and interest of the bonds and certificates herein authorized.

§ 19. If after the letting or awarding of any contract by the said commission for the pavement therein provided for, it shall be discovered that the amount to be collected from the assessments as made will be insufficient to pay the proportionate share of the expense of the work herein provided to be assessed against the abutting lots and against the railway companies, according to the same ratio and apportionment of said expense, as heretofore described, the said commission may make a further assessment against the abutting lots and against the railway companies, according to the same ratio and proportion heretofore set out, and in accordance with the same procedure, or as nearly as may be deemed practicable, as is provided hereinbefore.

§ 20. No assessment shall be set aside or vacated because the true or correct name of the owner of any lot or parcel may not be given, nor because the assessment may be against unknown owners or against the estate of a deceased person named or against the executor or administrators of a deceased person, or against the heirs of a deceased person, without naming them, nor through any cause arising from mistake or ignorance as to the true or correct name of the owner, whether individual or corporation, provided the lot or parcel assessed is described so as to identify and indicate the lot it was intended to assess.

§ 21. The commission may at any time on discovery of any defect, omission, irregularity, inequality, error or illegality or injustice in any of the proceedings taken or had under this act, rescind and vacate any or all of the proceedings taken or had under the provisions of this act, and correct any such defect, omission, irregularity, inequality, error or injustice and provide for the continuance of the work and completion of the improvement.

§ 22. In case any assessment or proceeding under this act shall be vacated or set aside by any court, the commission, or if the term thereof has expired, the board of trustees of the said village may rescind, annul or vacate the assessments or proceedings and may take or cause to be made a new assessment or apportionment, including all the costs and expenses of the former assessment, and the new assessment shall have the same force and effect as if no former one had been made, and any person who may have paid a former assessment may be credited on the new assessment with the amount thereon so paid.

§ 23. If any person or corporation against whom any assessment has been levied under the provisions of this act, shall not pay the same, or any instalment thereof within the time specified herein the said board of trustees of the said village shall in the name of the village of Green Island forthwith bring an action in the supreme court against the owners and mortgagees of the lands affected by said assessment and lien and all persons having a specified lien or incumbrance thereon as shall appear by the records of the office of the clerk of Albany county for the foreclosure of the lien of said assessment, and said court shall have jurisdiction in said action; and in default of payment of said assessment and lien within such time as may be fixed by the court for the payment of the same, may order and enter judgment for the foreclosure of said lien and may direct the sale of the premises, railroads and franchises, for the payment of said assessment and lien and the interest thereon, and the expenses of the sale, and the cost of said action, the order aforesaid fixing the time within which said assessments shall be paid shall be entered in the office of the clerk of the county of Albany, and a copy served upon such persons as appeared in said action or their attorneys. The course and proceedings in said action down to and including the sale and confirmation thereof shall be analogous to those in an action for the foreclosure of a mortgage on real property, and shall conform to the procedure and rules of the supreme court. All persons having

any lien, upon, or interest or estate in said property, and any person entitled to redeem the same for such unpaid assessments and any parties defendant in said action and duly served with process, shall be barred and foreclosed of and from any liens, interest or estate in said property under the judgment in said action.

§ 24. Nothing herein contained shall be held to repeal or modify the conditions, terms or obligations of any ordinance, franchise, contract or license between the village of Green Island, and any corporation whereby any such corporation is required or has agreed to pay any portion of the expense of repairing, paying or grading any public streets in said village of any of the benefits thereof.

§ 25. When said improvement shall have been completed and accepted by said commission, it shall be the duty of the board of trustees of the village of Green Island and the street commissioner of said village at all times keep said streets so paved, clean and free from all dirt, filth and other refuse matter, and the expense thereof shall be paid by the village of Green Island.

§ 26. After such streets to be paved have been paved or repaved, it shall not be lawful for any person, persons or corporations to remove the pavement except by a written permit of a majority of the street committee of the village of Green Island, endorsed by the president; said person, persons or corporation shall give a bond for the restoration of the said pavement within thirty days to its original condition, as nearly as it may be. The board of trustees shall promulgate ordinances regulating the punishment for the violation of this section.

§ 27. This act shall take effect immediately.

Chap. 26.

AN ACT authorizing the city of Elmira to raise money to provide for its floating indebtedness.

Became a law, March 8, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Elmira is hereby authorized to include in the estimate for the year nineteen hun-

dred and six, submitted to said council by the mayor of said city, in accordance with section thirty-one of chapter six hundred and fifteen of the laws of eighteen hundred and ninety-four, as amended by chapter three hundred and sixty-seven of the laws of nineteen hundred and four, the sum of fifty-four thousand two hundred and fourteen dollars and ten cents, for the purpose of paying the outstanding indebtedness of the city not sufficiently provided for in the annual estimate of the common council of said city for the year nineteen hundred and five.

§ 2. Such amount shall be raised by the annual tax levy in the city of Elmira for the year nineteen hundred and six, in addition to the amount which shall be raised pursuant to section thirty-one of chapter six hundred and fifteen of the laws of eighteen hundred and ninety-four, as amended by chapter three hundred and sixty-seven of the laws of nineteen hundred and four.

§ 3. This act shall take effect immediately.

Chap. 27.

AN ACT to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica" relative to the repair fund.

Became a law, March 8, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-seven of chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica," as amended by chapter five hundred and seventy-seven of the laws of nineteen hundred and one, as amended by chapter one hundred and eighty-one of the laws of nineteen hundred and four, is hereby amended so as to read as follows:

§ 47. The common council shall have power in each year to raise by tax upon the real and personal property liable to taxation, in addition to the sums authorized to be raised by law, forty thousand dollars exclusive of the expense of its collection, to provide for the following purposes:

1. Making and repairing bridges, defraying the expenses of public improvements ordered by the common council and other contingent expenses of the city. Such fund shall be known as the city fund.

2. The common council shall also have power in each year to raise by tax upon the real and personal property liable to taxation in addition to the sums authorized to be raised by law the following amounts exclusive of the expense of collecting the same for the following purposes: Such sum as shall be determined by the common council to be necessary to defray the expense of lighting the streets of the city. The money so raised and determined shall be known as the street lighting fund. Such sum as shall be determined by the common council to be necessary to defray the expense of improving, keeping and maintaining in good condition the public parks of the city including the salary of the superintendent thereof. The moneys so raised and determined shall be known as the park fund. Such sum, not exceeding forty-five thousand dollars annually, as shall be determined by the common council to be necessary to defray the city's share of paving, repaving, grading and regrading the streets and street intersections in the city. The moneys so raised and determined shall be known as the paving fund and shall be exclusively used to pay one-third of the whole expense of paving, repaving, grading and regrading such streets and intersections, including the expenses of surveying, advertising and preparing the assessment lists. Such sum, not exceeding twenty-two thousand five hundred dollars annually, as shall be determined by the common council to be necessary to defray the expense of repairing the streets and to keep the crosswalks, wells and catch-basins in good condition. The moneys so raised and determined shall be known as the repair fund. The several funds above mentioned shall be kept by the treasurer as separate funds, and the moneys therein shall be drawn from the treasury only by warrants specifying that such warrants were drawn to meet the expenditure for which the fund was raised. Such warrants shall be issued by the common council, signed by the city clerk and countersigned by the mayor. The tax lists mentioned in section forty-eight of the charter shall be completed and filed with the city clerk not later than October fifteenth of each year and the taxes therein assessed upon or in respect to any real estate shall be liens thereon until such taxes are paid.

§ 2. This act shall take effect immediately.

Chap. 28.

AN ACT to regulate and provide for the issuance and sale of bonds and certificates of indebtedness by the village of Port Chester, New York.

Became a law, March 8, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All bonds or certificates of indebtedness hereafter to be issued and sold by the village of Port Chester, shall except where now or hereafter otherwise provided in the charter of said village as amended, bear interest at a rate to be fixed by the board of trustees of said village, not to exceed five per centum per annum and shall be sold on sealed proposals or at public auction, and shall be awarded to the person who or corporation which shall offer to take the same at the highest sum. Notice of such sale shall be published in each newspaper published in the said village and posted in at least three public places in said village at least nine days before the day of sale.

§ 2. Said bonds and certificates of indebtedness shall respectively be numbered consecutively upward from the highest number of bonds or certificates of indebtedness already issued, and shall be sealed with the corporate seal of said village, signed by the president and treasurer of said village and countersigned by the clerk of said village.

§ 3. The clerk shall keep a list of all bonds and certificates of indebtedness issued by the said village, with the number, denomination, date, rate of interest, date of maturity, designation of the issue and the name of the person or corporation, if any, in whose name the same shall be registered.

§ 4. Bonds may be issued either with or without coupons attached thereto as the board of trustees may by resolution decide to do, and in the case of bonds which bear no coupons attached thereto, the board of trustees shall pay the principal thereof and the interest thereon as they severally may mature to the person or corporation in whose name the said bonds shall at that time be registered, and in any case where the said principal or instalment of interest shall be claimed by more than one person, the said village may obtain an order on motion to the supreme court or county court of Westchester county, after eight days'

notice to all claimants, permitting it to deposit the amount of such principal or interest in court, and thereupon the said village shall thereafter be discharged from all further liability for the payment of such bond or such interest or both, as the case may be.

§ 5. This act shall take effect immediately.

Chap. 29.

AN ACT to amend section four hundred and eighty-four of the code of civil procedure in relation to joining causes of action for penalties incurred for violations of the agricultural law, in a complaint.

Became a law, March 8, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and eighty-four of the code of civil procedure is hereby amended so as to read as follows:

§ 484. What causes of action may be joined in the same complaint.—The plaintiff may unite in the same complaint, two or more causes of action, whether they are such as were formerly denominated legal or equitable, or both, where they are brought to recover as follows:

1. Upon contract, express or implied.
2. For personal injuries, except libel, slander, criminal conversation or seduction.
3. For libel or slander.
4. For injuries to real property.
5. Real property, in ejectment, with or without damages for the withholding thereof.
6. For injuries to personal property.
7. Chattels, with or without damages for the taking or detention thereof.
8. Upon claims against a trustee, by virtue of a contract, or by operation of law.
9. Upon claims arising out of the same transaction, or transactions connected with the same subject of action, and not included within one of the foregoing subdivisions of this section.
10. For penalties incurred under the fisheries, game and forest law.
11. For penalties incurred under the agricultural law.

But it must appear, upon the face of the complaint, that all the causes of action, so united, belong to one of the foregoing subdivisions of this section; that they are consistent with each other; and, except as otherwise prescribed by law, that they affect all the parties to the action; and it must appear upon the face of the complaint, that they do not require different places of trial.

§ 2. This act shall take effect immediately.

Chap. 30.

AN ACT providing for the payment of certain notes and indebtedness of the town of Frankfort, county of Herkimer, and authorizing the issue of town bonds for such purposes.

Became a law, March 8, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town board of the town of Frankfort, county of Herkimer, is hereby authorized to borrow money upon the faith and credit of the town, for the purpose of paying certain notes of such town, issued and executed by the supervisor and commissioner of highways under authority of the town board thereof during the years nineteen hundred, nineteen hundred and one, nineteen hundred and two, nineteen hundred and three, nineteen hundred and four and the months of January and February in nineteen hundred and five, in payment of the cost and expenses of the erection and repair of highways and bridges and of the other town expenses of such town, together with the accrued interest on such notes, from their date of issue, and also for the purpose of paying the indebtedness of such town contracted by the proper officers thereof for the improvement of the highways therein, during the year nineteen hundred and four and the months of January and February, nineteen hundred and five. The town board of such town may issue bonds for the money so borrowed in a sum not exceeding twelve thousand dollars. Such bonds shall be signed by the supervisor and attested by the town clerk. They shall be made payable in not more than six equal annual instalments, the first of which shall become payable within two years from the date of the issue of such bonds. They shall bear interest at a rate not exceeding five per centum per annum, and shall be sold for not less than their par value. They shall be sold on

sealed proposals, or at public auction, upon notice published at least once in two consecutive weeks in two or more newspapers in the county of Herkimer, to be designated by the town board, to the person who will take them at the lowest rate of interest. Such bonds shall be consecutively numbered from one to the highest number issued, and the town clerk shall keep a record of the number of each bond, its date, amount, rate of interest, when and where payable, and the purchaser thereof or the person to whom they are issued. The proceeds of the sale of such bonds shall be expended in paying the notes and indebtedness of such town as above specified, on the order of the town board. Such bonds shall contain a recital that they are issued in conformity with the provisions of this act, which recital shall be conclusive evidence of their validity and of the regularity of their issue.

§ 2. The board of supervisors of the county of Herkimer shall cause an amount to be levied and assessed upon such town, in the same manner as in the case of other town charges and expenses, sufficient to pay the principal and interest on such bonds as they fall due. No assessment or tax made or levied to raise money for the payment of such bonds and interest, nor the bonds themselves shall be in any manner impaired, or rendered illegal, invalid or uncollectible, because of any omission, default or irregularity in respect to the issue and execution of the notes, or the contracting of the indebtedness, for the payment of which such bonds are hereby authorized to be issued.

§ 3. Nothing in this act shall affect any action or proceeding now pending in any court.

§ 4. This act shall take effect immediately.

Chap. 31.

AN ACT to authorize the trustees of the village of Liberty, in Sullivan county, to compromise certain litigation against said village and judgments and decrees therein.

Became a law, March 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Liberty, in Sullivan county, is hereby authorized and empowered to settle and compromise all litigation now pending against said village,

and all existing judgments or decrees, in law or equity, now entered against it and to obtain the release, discharge and vacation of any provisional remedy or interlocutory or final relief now in force against it growing out of litigation now or heretofore pending, arising from the construction, maintenance, operation, improvement, extension, or repair of the village sewer system; including the sewage disposal works; provided, however, that the aggregate of sums to be paid or agreed to be paid by the board for such settlements shall not exceed fifteen thousand dollars; in the absence of general funds to pay same, the board may evidence the obligation created by any settlement by one or more written specialties in the name of the village, payable to the litigant settled with, or to his order, for the aggregate sum agreed upon, with interest; which covenants, by the exclusive force of this act, shall be valid claims against said village due at the times therein expressed, the payment whereof shall be deemed an ordinary expense for purposes of taxation.

§ 2. This act shall take effect immediately.

Chap. 32.

AN ACT to release to Bridget McDonough, all the right, title and interest of the people of the state of New York, in and to certain real estate situate in the city of Schenectady, county of Schenectady, and state of New York.

Became a law, March 13, 1906, without the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the estate, right, title and interest of the people of the state of New York, acquired by escheat, forfeiture or otherwise, of, in and to all that certain piece or parcel of land, situate in the city of Schenectady, county of Schenectady, and state of New York, bounded as follows: On the west by Romeyn street; on the north by property owned by the heirs of James Gardiner; on the south by William Van Woert, and on the east by the Delaware and Hudson railroad, being number three hundred and forty-one Romeyn street, are hereby released to Bridget McDonough, of the city of Schenectady, county of Schenectady, and state of New York, and to her heirs and assigns forever.

§ 2. Nothing herein contained shall be construed to impair, release or affect any right, claim or interest of any heir-at-law, devisee, purchaser or creditor by judgment, mortgage or otherwise in and to said premises, or any part thereof.

§ 3. This act shall take effect immediately.

Chap. 33.

AN ACT to release to Meyer Loeb and Simon Loeb, all of the right, title and interest of the people of the state of New York, in and to certain real estate situated in the borough of Bronx, city of New York, county of New York, and state of New York, acquired by escheat or otherwise, upon the death of George Conoma, Isabella Sauvan and Elvira Josephine Sauvan.

Became a law, March 13, 1906, without the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the estate, right, title and interest of the people of the state of New York, acquired by escheat and otherwise, upon the death of George Conoma, Isabella Sauvan and Elvira Josephine Sauvan, deceased, of, in and to all that certain lot, piece or parcel of land, situate, lying and being in the twenty-third ward of the city of New York, formerly the village of Woodstock, town of Morrisania, Westchester county and state of New York, known and distinguished on a certain map of the village of Woodstock as the northerly part of lot seventeen, said map being filed in the office of the clerk (now register) of Westchester county, at White Plains, June sixth, eighteen hundred and fifty, said lot being bounded from said map as follows: Beginning at a point on the easterly side of Forest avenue south of One hundred and sixty-fifth (formerly Wall) street and distant therefrom one hundred and forty-five feet, two inches, running southerly along the line of Forest avenue, ninety-four feet ten inches; thence easterly along a line drawn parallel with One hundred and sixty-fifth (formerly Wall) street three hundred feet; thence northerly ninety-four feet ten inches; thence westerly three hundred feet to the point of beginning, be all the said dimensions more or less; excepting therefrom that portion of the above-described premises

which was taken by the municipal authorities of the city of New York for the opening of Tinton avenue, and which is now in use as a public street; and also excepting therefrom the following piece of land: All that certain lot, piece or parcel of land, situate, lying and being in the twenty-third ward of the city of New York, and bounded as follows: Beginning at a point on the easterly side of Forest avenue one hundred and forty-five feet and two inches, southerly from the southeasterly corner of One hundred and sixty-fifth (formerly Wall) street running thence easterly and parallel with One hundred and sixty-fifth (formerly Wall) street one hundred and twenty feet; thence southerly and parallel with Forest avenue twenty-five feet; thence westerly and again parallel with One hundred and sixty-fifth (formerly Wall) street one hundred and twenty feet to the easterly side of Forest avenue and thence northerly along the easterly side of Forest avenue, twenty-five feet to the point or place of beginning, is hereby released to and vested in Meyer Loeb and Simon Loeb, of the city of New York, borough of Manhattan, and their heirs and assigns forever.

§ 2. Nothing herein contained shall be construed to impeach, release or affect the rights in said real estate of any purchaser or creditor by judgment or otherwise in and to said premises, or any part or parcel thereof, or to warrant or insure by the state the title to said property in said Meyer Loeb and Simon Loeb.

§ 3. This act shall take effect immediately.

Chap. 34.

AN ACT to amend the village law, in relation to villages having a population of fourteen thousand or over by adding a new article to be known as article thirteen-a.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," is hereby amended by inserting between article thirteen and

article fourteen, a new article to be known as article thirteen-a, to read as follows:

ARTICLE XIII-A.

PROVISIONS APPLICABLE TO VILLAGES HAVING A POPULATION OF FOURTEEN THOUSAND OR OVER.

Section 339-a. Application.

339-b. President's term of office.

339-c. Board of police commissioners.

339-d. Consolidation of boards.

339-e. Abolition of boards.

339-f. Treasurer's additional duties.

339-g. President's salary.

339-h. Tax levy.

339-i. Contract for lighting.

339-j. Collection of taxes by treasurer.

339-k. Borrowing money.

339-l. Submission of propositions.

Section 339-a. Application.—This article shall apply to all villages whose population is shown by the last state census to exceed fourteen thousand inhabitants.

§ 339-b. **President's term of office.**—In every such village the term of office of the president shall be two official years.

§ 339-c. **Board of police commissioners.**—Every such village by adopting a proposition therefor at an annual election may establish or abolish a separate board of police commissioners composed of five members who must at the time of their election and during their term be the owner of property assessed upon the last preceding assessment-roll of the village. If the proposition to establish such board be adopted, the board of trustees at its next annual meeting shall appoint such commissioners for the term of one, two, three, four and five years respectively; and at each annual meeting thereafter the board of trustees shall appoint one commissioner for the full term of five years. Said board shall have all the powers and is subject to all the liabilities and must perform all the duties of the president and board of trustees so far as the same relate to the police or police department, and to the exclusion of said president and board of trustees.

§ 339-d. **Consolidation of boards.**—In every such village the powers and responsibilities of one or more boards of commis-

sioners may be conferred upon an existing board by the adoption of a proposition therefor at an annual election and thereupon such board shall possess all the powers and responsibilities of such other board or commission consolidated with it, until such consolidation be abolished by adopting a proposition therefor at an annual election.

§ 339-e. Abolition of boards.—A separate board of commissioners or a consolidation of one or more boards of commissioners may be abolished by adopting a proposition therefor at an election. The abolition of such a board or consolidation shall take effect immediately upon filing a certificate showing the adoption of the proposition. Within ten days after such certificate is filed, the abolished board shall deliver to the clerk of the village its records, books, and papers; and shall also within the same time deliver to the treasurer all funds, and to the president all other property in its possession or under its control, belonging to such department.

§ 339-f. Treasurer's additional duties.—In every such village the treasurer shall, if required by the board of trustees, maintain an office in a place designated and furnished by the board of trustees, and be in attendance thereat on such days and during such reasonable hours of the day as the board of trustees may from time to time designate.

§ 339-g. President's salary.—Every such village by adopting a proposition therefor by a majority vote of the taxpayers whose names appear on the last assessment-roll at any annual or special election may fix a compensation for the president not exceeding one thousand two hundred dollars per annum and which shall continue until amended or abolished by adopting a proposition therefor by voters of the same eligibility at an annual or special election.

§ 339-h. Tax levy.—In every such village the board of trustees may include in the levy of taxes for the current fiscal year in addition to the items specified in section one hundred and ten of the village law, such sum as the board deems necessary to meet expenditures from the light fund for the current year not exceeding three-tenths of one per centum of the total valuation of the property assessed upon the annual assessment-roll of the last preceding year; and such additional sums as shall be deemed necessary to meet all other expenditures of the village for the current fiscal year not exceeding one-tenth of one per centum of such total valuation.

§ 339-i. **Contract for lighting.**— In every such village the board of light commissioners may contract in the name of the village, with an individual or corporation, for lighting the streets, public grounds and public buildings of the village by gas, electricity or other substance; but such contract shall not be made for a longer period than five years, nor at an expense for each fiscal year exceeding three mills on every dollar of taxable property of the village as appears on the last preceding village assessment-roll, unless authorized at a village election.

§ 339-j. **Collection of taxes by treasurer.**— In every such village which has no collector, the tax roll and warrant shall be delivered to the treasurer of the village, and the provisions of the village law relating to the delivery of a tax roll and warrant, the extension of the time for the collection of taxes, the fees for collecting, and the return of such tax roll and warrant, apply to the roll and warrant so delivered to a treasurer, so far as practicable. Upon the delivery of the roll and warrant to the treasurer, he shall publish in each newspaper actually printed in the village, once in each week for four consecutive weeks, and post in five public places in the village, a notice that such tax roll and warrant have been left with him for the collection of the taxes therein levied, and designating one or more convenient places in the village where he will receive taxes for thirty days after the first publication and posting of said notice, from nine o'clock in the morning until four o'clock in the afternoon. The treasurer shall attend at the time and place specified in said notice, and shall proceed to collect the taxes and shall possess all the powers of a town collector. The fees for collecting said taxes belong to the village and the treasurer must account therefor.

§ 339-k. **Borrowing money.**— In every such village money may be borrowed at any time in the fiscal year after the first day of April and prior to the annual levy of taxes, but not exceeding one per centum of the total valuation of the property assessed upon the annual assessment-roll of the last preceding year, or in anticipation of taxes already levied for the current fiscal year, but not in excess of the amount thereof after deducting any sums borrowed prior to said tax levy, and it must be payable within such year.

§ 339-l. **Submission of propositions.**— In every such village the board of trustees shall at least five days before the annual election cause to be published at least once in the official paper if

such paper is published in the village and to be published in said paper at least twice thereafter and prior to said election and to be conspicuously posted in at least ten public places in said village a notice setting forth in full all propositions to be voted upon.

§ 2. This act shall take effect immediately.

Chap. 35.

AN ACT to confirm certain conveyances of real property made by the city of New York and the mayor, aldermen and commonalty of the city of New York, of lands acquired for aqueduct purposes.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Every instrument heretofore executed under the common seal of the city of New York or of the mayor, aldermen and commonalty of the city of New York, purporting to convey lands acquired by the mayor, aldermen and commonalty of the city of New York for an aqueduct pursuant to the provisions of chapter four hundred and ninety of the laws of eighteen hundred and eighty-three, is hereby declared to be and to have been as valid and effectual as if the same had been expressly authorized by an act of the legislature of this state, provided that the land therein described was sold at a regular public auction sale of real property of the said corporation made under the direction of the commissioners of the sinking fund of said city, in the manner provided by law, of which sale due and legal notice was given, saving and reserving however from the operation of this act, any rights or easements to maintain a new aqueduct under any part of the premises so sold as such right is reserved in any such deed or deeds. It is hereby declared that the sole purpose and intent of this act is to remove any doubt that might exist whether the said city had power to convey the said lands which had been acquired for a public purpose but are no longer required therefor.

§ 2. This act shall take effect immediately.

Chap. 36.

AN ACT to amend the penal code, in relation to indeterminate sentences to the state prisons.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and eighty-seven-a of the penal code, as amended by chapter two hundred and eighty-two of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 687-a. Indeterminate sentences to state prisons.—A person never before convicted of a crime punishable by imprisonment in the state prison, who is convicted in any court in this state of a felony, the maximum penalty for which, exclusive of fines, is imprisonment for five years or less, and sentenced to a state prison, shall be sentenced thereto under an indeterminate sentence, the minimum of which shall not be less than one year, or in case a minimum is fixed by law, not less than such minimum, and the maximum of which shall not be more than the longest period fixed by law for which the crime is punishable of which the offender is convicted. The maximum limit of such sentence shall be so fixed as to expire during either of the following months: April, May, June, July, August, September and October. In any other case whenever any person, never before convicted of a felony, shall be convicted of a felony, other than murder or arson, the maximum penalty for which, exclusive of fines, exceeds five years' imprisonment in a state prison, the court may either pronounce a definite sentence for a fixed term as provided by law, or may in its discretion impose upon such person a sentence of imprisonment therein for an indeterminate term the minimum of which shall not be less than one year, or in case a minimum is fixed by law, not less than such minimum, and the maximum of which shall not be more than the longest period fixed by law for which the crime is punishable of which the offender is convicted. The maximum limit of such indeterminate sentence shall be so fixed as to expire during either of the following months: April, May, June, July, August, September and October.

§ 2. This act shall take effect September first nineteen hundred and six.

Chap. 37.

AN ACT to amend chapter thirty-eight of the laws of nineteen hundred and three, entitled "An act in relation to the volunteer firemen's benevolent association of North Tonawanda, incorporating the same, providing for the payment of certain taxes and moneys thereto, and for the disposition of the same" relative to the objects of said association, to its by-laws and amendments thereto, and to the time for holding a regular meeting of its board of directors whereat its officers shall be appointed for the then ensuing year.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter thirty-eight of the laws of nineteen hundred and three, entitled "An act in relation to the volunteer firemen's benevolent association of North Tonawanda, incorporating the same, providing for the payment of certain taxes and moneys thereto, and for the disposition of the same," is hereby amended to read as follows:

§ 1. Herman U. Berger, Charles L. Sommer, Lewis Wattengel, Charles Kohler, August Conrad, William Stuermer, Charles Ray, August F. Gardei, John F. Myers, and such other persons as shall hereafter become members of the corporation hereby created and constituted, and their successors, are hereby created and constituted a body corporate under the name and style of the volunteer firemen's benevolent association of North Tonawanda, for the purpose of furnishing relief to disabled members of said corporation and their families and providing for the defrayal of funeral expenses of persons hereafter dying while members of said corporation by payment, as its by-laws shall prescribe, to the widow, personal representative or next-of-kin of each such deceased member, as and for a funeral benefit, of such an amount, not exceeding one hundred dollars, as said by-laws shall prescribe; and said corporation shall have perpetual succession.

§ 2. Section eight of said chapter, is hereby amended to read as follows:

§ 8. Subject to such by-laws, if any, as may be adopted by the members of said corporation at any annual meeting of such

members, the board of directors of said corporation may make further necessary by-laws of said corporation, or amend, in manner prescribed in the by-laws of said corporation, any by-laws thereof and no publication in any newspaper of any new by-law of said corporation, or any amendment to any by-law of said corporation, hereafter adopted, either by its members or its board of directors, shall be necessary or be required.

§ 3. Section eleven of said chapter, is hereby amended to read as follows:

§ 11. On the third Tuesday of each December hereafter there shall be an annual meeting of the members of said corporation hereby created and constituted held in said city of North Tona-wanda. Such meeting shall be opened at seven o'clock in the evening. The directors of such corporation shall cause at least ten days' prior notice of the time and place of holding such meeting to be published once in a daily newspaper published in said city. At such annual meeting the directors of such corporation for the then succeeding year beginning with the first day of the then next January shall be elected by ballot from the members of such corporation, by the members thereof attending and voting at such meeting. The persons who shall receive at such election of directors the highest number of votes shall be the directors of such corporation for such year and shall serve as such directors for the term of one year beginning with the first day of January next after such election and ending on the thirty-first day of December of the same year and until their successors in office are elected and duly qualified. The polls at such election shall be kept continuously open for at least one hour. At any annual meeting of the members of said corporation hereby created and constituted new by-laws of such corporation or amendments to then existing by-laws of such corporation may be adopted by such members, and it shall be necessary in order to adopt or pass any new by-law, or any amendment to any by-law, of such corporation at such annual meeting that the majority of votes cast at such meeting on the question of the adoption or passing of such new by-law or such amendment shall be in favor of the adoption of the same.

§ 4. Section thirteen of said chapter, is hereby amended to read as follows:

§ 12. On the last Monday of January in each year hereafter, there shall be a regular meeting of the board of directors of the

corporation hereby created and constituted, at the place then provided in the by-laws of such corporation for the holding of regular meetings of such board, at which such board shall appoint the president, vice-president, secretary and treasurer of such corporation for the then ensuing year.

§ 5. This act shall take effect immediately.

Chap. 38.

AN ACT to authorize the city of Utica to borrow money for the purpose of erecting and equipping a new fire station in the vicinity of the twelfth and fifteenth wards of the city.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The electors of the city of Utica having by a majority vote at the general election held in said city in the year nineteen hundred and five, voted in favor of appropriating the sum of fifteen thousand dollars for the erection and equipment of a new fire station in the vicinity of the twelfth and fifteenth wards of said city pursuant to the request of the board of police and fire commissioners made to the common council and submitted to the electors at said election; the common council of said city of Utica is hereby authorized to borrow the sum of fifteen thousand dollars for the purpose of erecting and equipping a new fire station in the vicinity of the twelfth and fifteenth wards of said city and to issue the corporate bonds of the city therefor.

§ 2. Said bonds shall be payable one thousand dollars in each year for fifteen years from the date of issue and shall bear interest at a rate not to exceed four per centum per annum payable annually; they shall be signed by the mayor and clerk of said city and shall bear the seal of said city.

§ 3. The common council shall in each year after the issue of said bonds raise in the annual city tax levy the amount of principal and interest falling due on said bonds in the ensuing year.

§ 4. The said bonds shall be sold at not less than par and the

proceeds thereof shall be paid to the city treasurer and shall be kept by him as a separate fund, and shall be drawn upon by the board of police and fire commissioners for the expenses of erecting and equipping said fire station and for no other purpose, except that should any sum remain in said fund after the completion of said fire station and the equipment thereof, the same shall be transferred by the treasurer upon the order of the board of police and fire commissioners to the general fund of said board.

§ 5. This act shall take effect immediately.

Chap. 39.

AN ACT to amend the public health law, in relation to the construction of sewers in villages upon the requisition of local boards of health.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-one of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," as amended by chapters two hundred and three and nine hundred and twenty-eight of the laws of eighteen hundred and ninety-five, and chapters two hundred and twenty-two and three hundred and eighty-three of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 21. General powers and duties of local boards of health.—Every such local board of health shall meet at stated intervals to be fixed by it, in the municipality. The presiding officer of every such board may call special meetings thereof where in his judgment the protection of the public health of the municipality requires it, and he shall call such meeting upon the petition of at least twenty-five residents thereof, of full age, setting forth the necessity of such meeting. Every such local board shall prescribe the duties and powers of the local health officer, who shall be its chief executive officer, and

direct him in the performance of his duties, and fix his compensation. In addition to his compensation so fixed, the board of health may allow the reasonable expenses of said health officer in going to, attending and returning from, the annual sanitary conference of health officers, or equivalent meeting, held yearly within the state, and may also in its judgment whenever the services rendered by its health officer during any year are extraordinary, or extra hazardous, by reason of epidemic, or otherwise, allow to him such further sum in addition to said fixed compensation as shall be audited by the town board of a town or by the board of trustees of a village which said expenses and said additional compensation shall be a charge upon and paid by the municipality as provided in section thirty of this act. Every such local board shall make and publish from time to time all such orders and regulations as they may deem necessary and proper for the preservation of life and health, and the execution and enforcement of the public health law in the municipality. It shall make without publication thereof, such orders and regulations for the suppression of nuisances, and concerning all other matters in its judgment detrimental to the public health in special or individual cases, not of general application, and serve copies thereof upon the owner or occupant of any premises whereon such nuisances or other matters may exist, or upon which may exist the cause of other nuisances to other premises, or cause the same to be conspicuously posted thereon. It may employ such persons as shall be necessary to enable it to carry into effect its orders and regulations, and fix their compensation. It may issue subpoenas, compel the attendance of witnesses, administer oaths to witnesses and compel them to testify, and for such purposes it shall have the same powers as a justice of the peace of the state in a civil action of which he has jurisdiction. It may designate by resolution one of its members to sign and issue such subpoenas. No subpoenas shall be served outside the jurisdiction of the board issuing it, and no witness shall be interrogated or compelled to testify upon matters not related to the public health. It may issue warrants to any constable or policeman of the municipality to apprehend and remove such persons as can not otherwise be subjected to its orders or regulations, and a warrant to the sheriff of the county to bring to its aid the power of the county whenever it shall be necessary to do so. Every warrant shall be forthwith executed by the officer to whom directed, who shall have the same

powers and be subject to the same duties in the execution thereof, as if it had been duly issued out of a court of record of the state. Every such local board may prescribe and impose penalties for the violation of or failure to comply with any of its orders or regulations, not exceeding one hundred dollars for a single violation or failure, to be sued for and recovered by it in the name and for the benefit of the municipality; and to maintain actions in any court of competent jurisdiction to restrain by injunction such violations, or otherwise to enforce such orders and regulations. Whenever such local board of health in any incorporated village shall deem the sewers of such village insufficient to properly and safely sewer such village, and protect the public health, it shall certify such fact in writing to the board of trustees of such village, stating and recommending what additions or alterations should in the judgment of such board of health be made with its reasons therefor, and thereupon such board of trustees shall immediately convene and consider such recommendations, and if approved by such board of trustees, the same shall be certified to the state commissioner of health for his approval, and if such recommendations shall be approved by the state commissioner of health, it shall be the duty of the board of trustees or other board of such village having jurisdiction of the construction of sewers therein, if there be such a board, whether sufficient funds shall be on hand for such purpose or not to forthwith make such additions to or alterations in the sewers of such village and execute such recommendations, and the expenses thereof shall be paid for wholly by said village in the same manner as other village expenses are paid or by an assessment of the whole amount against the property benefited, or partly by the village and partly by an assessment against the property benefited, as the board of trustees of such village shall by resolution determine. If the board of trustees shall determine that such expenses shall be paid partly by the village and partly by an assessment against the property benefited, as authorized by this section, it shall in the resolution making such determination fix the proportion of such expense to be borne by each, and the proportion thereof to be raised by an assessment against the property benefited shall be assessed and collected in the manner provided by the village law for the assessment and collection of sewer assessments. Said village is hereby authorized to raise such sum as may be necessary for the payment of the expenses incurred, which are a village charge, if any, as herein provided, in addition to the amount such

village is now authorized to raise by law for corporation purposes, and such board shall have the right to acquire such lands, rights of way, or other easements, by gift, or purchase, or in case the same can not be acquired by purchase may acquire the same by condemnation in the manner provided by law.

§ 2. This act shall take effect immediately.

Chap. 40.

AN ACT to enable any town owning stock in the Cooperstown and Susquehanna valley railroad company to sell such stock.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town board of any town in this state owning stock in the Cooperstown and Susquehanna valley railroad company may submit to the qualified electors at a biennial town meeting, or at a special town meeting duly called for such purpose, a proposition directing the supervisor and acting railroad commissioners of such town to sell such stock. If such proposition is adopted, the supervisor, and acting railroad commissioners of such town shall sell such stock at public auction to the highest bidder. The supervisor and acting railroad commissioners shall execute and deliver to the purchaser an assignment of such stock upon receipt by them of the purchase price agreed to be paid therefor.

§ 2. All moneys received as the proceeds of such sale or sales shall be applied to the purchase, or redemption and payment of such bonds, and the accrued interest thereon, if any, and of bonds of such town, if any, issued in renewal of such original bonds. Upon the acquisition of any such bonds by the supervisor and acting railroad commissioners they shall cause the same to be canceled. The surplus of the proceeds of the sale of such stock, if any, remaining after the purchase of such bonds and the payment of accrued interest thereon, shall be credited to the general fund of such town, and be used for any purpose for which such fund is applicable.

§ 3. This act shall take effect immediately.

Chap. 41.

AN ACT to amend section two hundred and ninety of the penal code relating to children.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and ninety of the penal code is hereby amended by adding thereto an additional subdivision to read as follows:

8. It shall be no defense to a prosecution for a violation of subdivisions three, four, five or six of this section, that in the transaction upon which the prosecution is based the child acted as the agent or representative of another, or that the defendant dealt with such child as the agent or representative of another.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 42.

AN ACT to make the office of sheriff of Cortland county a salaried office and to regulate the management of said office.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sheriff of the county of Cortland next elected or appointed, and thereafter to be elected or appointed, shall receive as compensation for all his services, which are now a county charge upon the said county of Cortland, an annual salary of twenty-three hundred dollars; he shall also be entitled to receive and retain to his own use his fees and perquisites in all civil cases in which the same are to be paid by private persons or corporations other than the county of Cortland. He shall also receive the sum of two hundred dollars for traveling expenses while traveling on official business in the performance of his duties in criminal

actions and proceedings within the limits of the county of Cortland, and his actual and necessary traveling expenses in the performance of his duties in criminal actions and proceedings beyond the limits of the said county of Cortland, and shall receive his actual traveling expenses for conveying prisoners and juvenile delinquents to their place of commitment to all places outside of the limits of the county of Cortland; which said expenses and disbursements shall be audited and allowed by the board of supervisors as other claims against the county are audited and allowed. The salary above provided shall not be increased or diminished during his term of office, and from it he shall pay all such assistants, including the salaries of the undersheriff and the deputy sheriffs hereinafter provided for, as shall be necessary to enable him properly to exercise and perform the duties of his office. And in consideration of which he shall do and perform all duties now or which hereafter may be imposed upon him by law, his duties as officer of the court and in summoning jurors of courts held in said county, and in performing all other services which have heretofore been performed by the sheriff of said county or his deputies, which are a county charge, without fee or reward from the county of Cortland except as above provided, although the statute or law imposing such duty may provide that a fee or other compensation be paid therefor. The county treasurer of the county shall pay to the sheriff his salary, in equal quarterly payments, at the end of each quarter in the year, upon orders signed by the chairman and clerk of the board. There shall be one undersheriff and one deputy sheriff who shall be appointed by the sheriff and serve during his pleasure, and one of whom shall act as turnkey. The sheriff shall be responsible for their official acts and may require bonds, subject to his approval, from the undersheriff and deputy sheriff for the faithful performance of their respective duties; and the salaries which they shall receive from the sheriff shall be in full compensation for all their services to the said county of Cortland; and they shall be entitled respectively to be reimbursed by said county for their actual and necessary traveling expenses and disbursements in the performance of their respective duties in criminal actions and proceedings beyond the limits of the county in all cases where the fees and expenses are by law a county charge, said expenses and disbursements to be audited and allowed by the board of supervisors. It shall be the duty of one of said officers, who shall be designated by the sheriff,

to attend all terms of court held in said county as one of the officers of said court, and perform such duties as may be required of him by law or by the court or by the sheriff. The sheriff, and with the consent of the sheriff, his undersheriff and deputy sheriff shall also be entitled to use and occupy the residence, with light, heat and water for the same, now used and occupied by the sheriff of said county, or which may hereafter be erected for such purpose, without charge or expense.

§ 2. The sheriff, before entering upon the duties of his office, shall execute to the county of Cortland and file, with the treasurer of said county, an undertaking to said county, in addition to any other now required by law, in the sum of two thousand dollars, with sufficient sureties, to be approved by the county judge of Cortland county, to the effect that he will faithfully perform the duties devolving upon him and pay over to said treasurer, as herein provided, all moneys which shall come into his hands payable to said treasurer.

§ 3. Nothing in this act shall be construed to prevent the sheriff from appointing as many special deputies as he may choose to appoint within the county, but the expenses, fees or other compensation of such special deputies shall not be a county charge in any case, except the fees for attendance upon court when duly summoned, and such actual expenses as are necessarily incurred in the performance of said duties in criminal actions and proceedings beyond the limits of the said county of Cortland.

§ 4. At each term of court held in said county, where a grand jury only shall be in attendance, the sheriff shall summon not more than four constables or special deputies to attend as such court officers, and when a petit jury only shall be in attendance the sheriff shall summon not more than five constables or special deputies to attend as court officers, and when both petit and grand juries are to be in attendance the sheriff shall summon not more than six constables or special deputies to attend as court officers. The fees of said officers so in attendance to be paid by the county of Cortland. The sheriff may, when so directed by the court, summon additional constables or special deputies to attend as court officers, and when so summoned the fees of the same shall be paid by the county.

§ 5. On the first day of January of each year the purchasing committee hereinafter named shall take an inventory of all property, of every kind and nature, belonging to the county, in the possession of the sheriff, and the said sheriff shall be chargeable

therewith, and at the end of each year the said sheriff shall account for all the property in the last inventory contained, or purchased since the last inventory was taken, and he shall be liable to pay to the county of Cortland the value of any property which shall be missing and not accounted for at such times and in such a manner as the said purchasing committee shall direct.

§ 6. The board of supervisors of said county, at each annual session, shall appoint a committee of three of its members, designating one as chairman, which committee shall be known as the purchasing committee of said county and shall have power and authority to purchase and procure furniture, implements, material, food and supplies of whatever nature necessary for the custody, care and maintenance of the prisoners and persons detained within said jail; and any actual and necessary expense of said committee in providing the same shall be a county charge and payable by the county treasurer when so certified to by said committee. Said committee shall keep a correct and itemized account of the goods purchased by the committee, the time when each such purchase was made, the person or persons from whom each purchase was made, and the actual sums paid or to be paid for the same, and at each annual meeting of the board of supervisors shall make and render to such board a complete, detailed account of all of such purchases, the time such purchases were made, the persons from whom such purchases were made and the amounts paid for the same, and said account shall be audited by said board of supervisors when proper and just. The books of said purchasing committee shall at all times be open for inspection by any member of the board of supervisors. Said committee may, however, authorize and direct the sheriff of said county, and when so authorized and directed, it shall be the duty of the sheriff, without extra compensation for his services, subject to the supervision, control, approval and direction of said purchasing committee, to purchase and provide furniture, implements, material, food and supplies, of whatever nature necessary, for the custody, care and maintenance of the prisoners and persons detained within said jail, and the cost of the same, and any actual and necessary expenses of the sheriff in providing the same shall be a county charge and be paid by the county as follows: the sheriff shall keep a correct and itemized account of such costs and expenses in a book or books provided for that purpose at the expense of said county. Each item of said account shall specify the date at which it was incurred, to whom paid, the place where paid and for what, and

the purpose for which it was paid. The said sheriff shall also obtain a voucher for each item incurred by him, so far as practicable, and if any such item exceeds the sum of twenty dollars it shall be duly verified as to its correctness and the payment thereof by the affidavit of the person furnishing the same. At the end of each calendar month, or within five days thereafter, the sheriff shall present to the chairman of such purchasing committee a written, verified statement in detail, of all items so expended for such month, and within five days after having examined the same said chairman shall attach his certificate thereto, certifying what amount he finds correct and authorized by such committee, and return to the sheriff said statement with his said certificate attached thereto. The sheriff shall thereupon present the same to the county treasurer of Cortland county, who shall forthwith pay to said sheriff the amount certified to by said chairman to be correct and allowed. The verification of such statement shall be by affidavit of the sheriff, that such statement is in all respects full and true and that no part of the same has been paid by the county. In case any portion of said account of said sheriff is not certified by said chairman to be correct the same may be presented by said sheriff to the board of supervisors of said county for audit and the amount audited therefor, if any, shall be paid as other county charges.

§ 7. The jail of the county shall be kept by the sheriff as now required by law, and he shall also properly keep and care for the court house of the county. There shall be employed at the jail of said county for the care, custody, maintenance and control of the prisoners and the persons detained therein, and other necessary services, in addition to those of the sheriff, undersheriff or deputy sheriff who shall act as jailor and turnkey, a cook, who shall be employed by said purchasing committee or by the sheriff under the direction of said committee, and the compensation for the board and services of the cook shall be paid monthly by the treasurer of the county of Cortland. Said committee, or said sheriff, under the direction of said committee, may provide such other help in caring for the jail, and the prisoners therein contained, as shall be proper and necessary, the same to be paid by the treasurer of Cortland county upon the order of said committee.

§ 8. All fees or allowances of every kind whatsoever which said sheriff, his undersheriff, or deputies shall be authorized or required to charge or receive for conveying prisoners to state institutions,

and for all other services for the United States of America or the state of New York, for which fees are paid or allowances made, including all moneys which shall be paid for the board, custody or care of United States prisoners, shall belong to the county of Cortland, and it shall be the duty of said officer to collect and receive for said county the full amount allowed by law for all such fees and allowances.

§ 9. Said sheriff shall keep in his office, in proper books to be provided for that purpose by the board of supervisors, an exact and true account of all official services, mentioned in the last section, performed by him, for which he is entitled to receive fees or allowances, and the amount of money received by him on account thereof. Such books shall show when and for whom all such services shall have been performed and the fees chargeable or allowances receivable therefor and the amount of money actually received on account thereof, and said books shall at all times be open to the inspection of any member of the board of supervisors of said county.

§ 10. Said sheriff shall annually make and report to the board of supervisors of Cortland county a full and true statement of all moneys received by him or his undersheriffs or deputies, or other official employees, for fees, perquisites and emoluments, and for all services rendered by him or them in his or their official capacity, except in civil matters where the sheriff, undersheriff or deputies are entitled to the same; and all such fees which shall be found to be due from him to the county of Cortland shall, upon the last week day of each year, be paid to the county treasurer of Cortland county and his receipt taken therefor.

§ 11. Any officer referred to in this act who shall receive to his own use, or for the use of another, any fee, perquisite or emolument contrary to the provisions of this act, or shall neglect to account for any such fee, perquisite or emolument by this act declared to belong to the county of Cortland, shall be guilty of a misdemeanor and be liable to the county in civil action for any money so received, or received for the use of said county and not accounted for and paid to the treasurer of said county pursuant to the requirements of this act.

§ 12. All acts and parts of acts inconsistent with this act are hereby repealed as to Cortland county, and said county excepted from their provisions.

§ 13. This act shall take effect immediately.

Chap. 43.

AN ACT to amend chapter one hundred and forty-eight of the laws of nineteen hundred and five, entitled "An act to authorize the board of trustees of the village of White Plains to acquire lands for the site of a public library and to maintain a public library and to issue bonds therefor," relative to the sums to be raised and the improvement of lands.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one and three of chapter one hundred and forty-eight of the laws of nineteen hundred and five, entitled "An act to authorize the board of trustees of the village of White Plains to acquire lands for the site of a public library and to maintain a public library and issue bonds therefor," is hereby amended to read as follows:

§ 1. The board of trustees of the village of White Plains is hereby authorized and empowered, in addition to all sums of money which it is now authorized by law to raise, to borrow upon the faith and credit of said village such sum or sums not exceeding in the aggregate thirteen thousand dollars, as may in the judgment of said board be necessary for the purpose of purchasing and improving lands in said village for the site of a public library. The said bonds shall be due and payable at such time as the board of trustees shall determine not exceeding forty years from the date thereof, and shall bear interest at not to exceed four per centum per annum. Said bonds or any part thereof shall be sold by the board of trustees in the manner prescribed by the general village law of the state of New York, but shall not be sold at less than par. The said bonds shall be exempt from taxation.

§ 3. The board of trustees is hereby authorized and empowered with the proceeds of the sale of said bonds or any part thereof to purchase and improve lands for a library site, and the said board is hereby authorized and empowered to acquire by purchase any lands, rights or easements necessary or requisite for the purpose of carrying out the provisions or purposes of this act, at such price or prices as they shall deem fair and

reasonable, and if unable to acquire the same by private purchase, the board of trustees shall have the power to acquire such lands, rights or easements on behalf of said village by condemnation, under the condemnation law. The said board of trustees of the village of White Plains is also authorized annually to raise a sum not to exceed three thousand dollars for the purpose of maintaining, supporting and improving a public library in and for said village, said sum to be raised, in the same manner that all of the village taxes are now raised in said village. The board of education of the joint union free school district number one of the towns of White Plains and Harrison shall pay all sums of money raised by taxation in such school district for the purpose of maintaining a public library over to the board of trustees of the village of White Plains. The said funds so received by said board shall be used toward the maintenance of said library. The aggregate amount to be expended for the maintenance and improvement of said library shall not exceed the sum of three thousand dollars in any one year.

§ 2. This act shall take effect immediately.

Chap. 44.

AN ACT to amend chapter three hundred and fourteen of the laws of eighteen hundred and seventy-four, entitled "An act to establish a board of police and fire commissioners of the city of Utica," and the several acts amendatory thereto.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighteen of chapter three hundred and fourteen of the laws of eighteen hundred and seventy-four, entitled "An act to establish a board of police and fire commissioners of the city of Utica" as amended by chapter one hundred and ninety-nine of the laws of nineteen hundred and two, is hereby amended so as to read as follows:

§ 18. The board shall, before the first day of July, in each year, make out an estimated statement of the amount necessary

to defray the cost of the police and fire department for the current year, and present the same to the common council, who shall include the amount thereof in the city tax assessment-roll, and the same shall be levied and collected in the same manner as the various amounts authorized to be raised by section forty-seven, of the charter of the city of Utica, and the various amendments thereto; but the sum to be raised by virtue of this section shall not in any one year exceed the sum of one hundred and fifty-seven thousand dollars. Provided, however, that when the board of police and fire commissioners of the city of Utica shall be of the opinion that it is necessary that the sum to be raised yearly by virtue of this section shall exceed the sum of one hundred and fifty-seven thousand dollars it shall be its duty to state such necessity, with the amount and reasons therefor, in a special report to be made to the common council of said city. At the succeeding election provision shall be made so that each elector may, by separate ballot, vote for increase of amount necessary to defray the cost of the police and fire departments or against increase of amount necessary to defray the cost of the police and fire departments and in canvassing the ballots the inspectors of election shall make a return of the number of ballots containing such expression, to the common council of the city, in the same manner that they make return of votes given for city officers, and if the number of ballots containing the words for increase of amount necessary to defray the cost of the police and fire departments exceed those containing the words against increase of the amount necessary to defray the cost of the police and fire departments, it shall be the duty of the common council, in addition to the moneys which they are otherwise authorized by law to raise by tax in the said city, to raise, in the same manner that moneys are now raised for the ordinary expenses thereof, such additional sum of money annually thereafter as the board of police and fire commissioners, in their said report, shall have submitted to be necessary to defray the annual cost of the police and fire departments of said city.

§ 2. This act shall take effect immediately.

Chap. 45.

AN ACT to amend section three of chapter three hundred and fourteen of the laws of eighteen hundred and seventy-four, entitled "An act to establish a board of police and fire commissioners of the city of Utica," in relation to salary of clerk.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter three hundred and fourteen of the laws of eighteen hundred and seventy-four, entitled "An act to establish a board of police and fire commissioners of the city of Utica," is hereby amended to read as follows:

§ 3. On or before the first Tuesday of June, eighteen hundred and seventy-four, the four commissioners appointed, as provided by this act, shall meet at the office of the city clerk in said city and, after having determined by lot to which of the several classes each of them shall belong, shall organize into a board, to be known and designated as the "Board of Police and Fire Commissioners of the city of Utica," and who shall exercise the powers and fulfill the duties connected with and incident to the control, government and discipline of the police and fire departments of said city as hereinafter more especially provided for. The commissioners appointed by virtue of this act, shall not directly or indirectly be paid or receive any compensation for their services as such. They shall select from their number one, who shall be chairman of the board; they shall employ a clerk, whose duty it shall be to record its proceedings in a book for that purpose, who shall hold office at the pleasure of the board. The clerk shall make out and present such accounts as the board are authorized by this act to charge against the county of Oneida, or any of the towns therein, or the city of Utica as one of said towns, and do such clerical work as, by this act, is devolved on the board. He shall receive therefor four hundred dollars annually. Any vacancy in the number of said commissioners shall be filled by the mayor of said city, within one week after he shall have received notice thereof from the board, and the person appointed to fill the vacancy shall hold office until the expiration of the term of office of the com-

missioner whose place he was appointed to fill. The said commissioners may be removed by the mayor of said city, upon proof, for official or other misconduct, but not otherwise. Such commissioners shall be furnished with a copy of the charges preferred, and an opportunity given for a defense thereof.

§ 2. This act shall take effect immediately.

Chap. 46.

AN ACT to amend chapter seventy-nine of the laws of eighteen hundred and eighty-three, entitled "An act to regulate the transaction of public business in the county of Albany," relative to the salary of the clerk of the board of supervisors.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter seventy-nine of the laws of eighteen hundred and eighty-three, entitled "An act to regulate the transaction of public business in the county of Albany," is hereby amended to read as follows:

§ 5. The clerk shall receive a salary of three thousand dollars, payable monthly, and shall have the assistance from the fifteenth day of October of one clerk, who shall be known as the journal clerk, and shall receive on the certificates of the clerk a salary of five hundred dollars, and shall continue to act during the session and thereafter until the duties of that position are fully executed to the satisfaction of the clerk, and of a second clerk who shall be appointed by the board of supervisors at its first meeting in November, and be known as the committee clerk, and shall receive on the certificates of the clerk a salary of three hundred dollars, and shall continue to act during the session of the board. Such clerks shall assist and be under the direction and control of, and be subject to removal by the clerk of the board of supervisors, who shall fix and define their respective duties. It shall be the duty of the clerk of the board, either himself or by his two subordinate clerks, to give all clerical and all other assistance required for the preparation of the official canvass of votes, and the footing up and verification of the assessment rolls, and which

may be essential and proper for the efficient conduct and execution of the duties devolved upon the board of supervisors or any of its committees, and no other clerks or other persons shall be paid for any such services.

§ 2. This act shall take effect immediately.

Chap. 47.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," relative to the payment of local assessments.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and three of chapter one hundred and five of the laws of eighteen hundred and ninety-one, is hereby amended to read as follows:

§ 103. When any work or improvement shall be ordered by the common council, the expense whereof shall exceed the sum of five thousand dollars and is to be defrayed by money raised by local assessment, and in any case where such work or improvement shall be the paving of a street or alley whether the expense thereof shall be more or less than five thousand dollars, the several assessments contained in any roll, made for the purpose of raising said money, shall be divided into five equal annual instalments. The first instalment shall be due and payable from and after the date of the first publication of the notice specified in section ninety-four of this act; and the remaining instalments in one, two, three and four years from and after the date of such publication. The second, third, fourth and fifth instalments shall bear interest at the rate of five per centum per annum commencing one month after the date of such first publication, until they shall severally become due and payable. Monthly additions of interest shall be made to each due and unpaid instalment as provided in section ninety-five of this act; commencing one month after said instalment shall become due and payable.

§ 2. This act shall take effect immediately.

Chap. 48.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," and the acts amendatory thereof and supplemental thereto, in relation to proposals for bonds issued by the city.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and ninety-two of chapter one hundred and five of the laws of eighteen hundred and ninety-one, is hereby amended so as to read as follows:

§ 492. Whenever bonds are issued by the city for the purpose of raising money, the comptroller shall publish a notice in five successive numbers of the official paper, Sundays excepted, and in two other daily papers of the city, stating the amount of bonds to be issued, their rate of interest, and the time of their payment, and that sealed proposals will be received by him until a day specified in the notice, not less than ten days from the first publication thereof, for all or any portion of the bonds issued. Each proposal shall state the amount of the bonds desired and the price bid for each one hundred dollars thereof. On the day specified in the notice, the comptroller shall publicly open the proposals and the bonds shall be sold to the person or persons whose bids are most favorable to the city, but no bonds shall be sold at less than their par value. The comptroller may reject any or all bids received. Nothing in this section contained shall be construed to prevent the common council from awarding any bonds at their par value to the comptroller in trust for any redemption or sinking fund of the city, and as an investment of said redemption or sinking fund of the city, without advertising. And nothing in this section contained shall be construed to prevent the common council from awarding any bonds at their par value to the board of trustees of the firemen's relief and pension fund, the board of trustees of the public school teachers' retirement fund or the board of trustees of the police pension fund, and as an investment of any of said funds, without advertising. Where no proposals shall

be received, as herein provided, for the par value of bonds, and the accrued interest thereon, after such advertising, the comptroller may, within sixty days thereafter, award the bonds so advertised to any person for not less than their par value and accrued interest on receiving and filing in his office a written certificate from the mayor and treasurer consenting thereto.

§ 2. This act shall take effect immediately.

Chap. 49.

AN ACT to amend chapter six hundred and fifteen of the laws of eighteen hundred and ninety-five, entitled "An act providing for the payment of five hundred dollars to the executor or administrator of a volunteer fireman who dies from injuries incurred in the performance of his duties," in relation to applying the provisions thereof to cities.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter six hundred and fifteen of the laws of eighteen hundred and ninety-five, entitled "An act providing for the payment of five hundred dollars to the executor or administrator of a volunteer fireman who dies from injuries incurred in the performance of his duties," is hereby amended to read as follows:

§ 1. If an active member of a volunteer fire company in any city, incorporated village or in any fire district of a town outside of an incorporated village, dies from injuries incurred while in the performance of his duty as such fireman within one year thereafter, the city, village or town shall pay to the executor or administrator of such person the sum of five hundred dollars. In cities such sum shall be a city charge and shall be audited and paid in the same manner as other city charges. In villages such sum shall be a village charge and shall be audited and paid in the same manner as other village charges, and shall be assessed upon the property and persons liable to taxation in said village, and levied and collected in the same manner as other village taxes. If such fireman was a member of a fire company in a fire district outside

of a city or an incorporated village, such sum shall be a town charge, audited and paid in the same manner as other town charges, and shall be assessed upon the property and persons in such fire district liable to taxation, and levied and collected in the same manner as other town charges. Such money shall be distributed in the manner provided by law for the distribution of personal property.

§ 2. This act shall take effect immediately.

Chap. 50.

AN ACT to amend chapter one hundred and sixty of the laws of nineteen hundred, entitled "An act to incorporate the city of Cortland," relative to revising certain sections of the charter.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen of chapter one hundred and sixty of the laws of nineteen hundred, entitled "An act to incorporate the city of Cortland," as amended by chapter one hundred and ninety-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 13. Appointive city officers enumerated; by whom appointed, their term of office:

1. The appointive officers of the city of Cortland shall be a city clerk, a city attorney, a city physician, a commissioner of charities, six members of the board of health, three fire commissioners, three police commissioners, five commissioners of public works, two appointive assessors, so many commissioners of deeds as the common council may deem necessary, each of which officers shall be appointed by the mayor, subject to the confirmation of the common council; nine members of the board of education to be appointed by the mayor; one chief of police and six patrolmen to be appointed by the board of police commissioners; a city engineer and a superintendent of public works, each of whom shall be appointed by the board of public works; a superintendent of schools who shall be appointed by the board of education; and such other appointive officers as may be authorized and required.

by general laws, each of whom shall be appointed by the mayor, subject to the confirmation of the common council, unless otherwise provided by such general laws.

2. Terms of office of appointive officers.—The term of office of the city clerk shall be one year, of the city attorney one year, of the commissioner of charities, two years, of the superintendent of schools, three years, of the superintendent of public works, two years, of the city engineer, two years, of each commissioner of public works, five years, of each police commissioner, two years, of each fire commissioner, three years, of each commissioner of deeds, two years, of each member of the board of health, three years, of the city physician, two years, of the appointive assessors one year, of each of said other officers authorized and required by general laws, the time specified in said laws.

§ 2. Section fourteen of said chapter, as amended by chapter four hundred of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 14. Compensation of city officers.—The mayor, aldermen, fire and police commissioners, members of the city board of health, the board of education and board of public works shall receive no compensation for their services. The annual salary for the city judge shall be twelve hundred dollars; the annual salary of the city chamberlain shall be nine hundred dollars; the annual salary of the city clerk shall be eight hundred dollars; the annual salary of the commissioner of charities shall be four hundred dollars; the annual salary of the city physician shall be three hundred dollars; the annual salary of the elective city assessor shall be three hundred dollars; the annual salary of each appointive city assessor shall be one hundred dollars. The corporation counsel shall receive such compensation as shall be agreed upon by the common council, and the city engineer and the superintendent of public works shall receive such compensation as shall be determined by the board of public works. The chief of police shall receive a monthly salary to be fixed by the board of police commissioners not to exceed the sum of seventy-five dollars, the patrolmen, other than special policemen, a monthly salary to be fixed by the board of police commissioners not to exceed the sum of sixty dollars; the commissioners of deeds shall receive the compensation now provided by law to be received by them, the supervisors and constables, respectively, shall be entitled to the same compensation for their services as the corresponding officers in

towns are entitled to receive for like services, the inspectors of election and such other officers as are authorized to be appointed, shall receive the compensation fixed by the general law. No other appointive officer of the city shall be entitled to receive from the city any compensation for his services unless otherwise provided by this act or by a general law.

§ 3. Section thirty-three of said chapter, is hereby amended to read as follows:

§ 33. When expenditures to be by contract to the lowest bidder. —Whenever any expenditures to be made or incurred by the common council or city board or any city officer in behalf of the city for work to be done, or materials or supplies to be furnished, except repairing and macadamizing or slagging of streets, and except building curbs and gutters of streets, shall exceed two hundred dollars, the city clerk shall advertise for and receive proposals therefor, in such manner as the common council, or as the board or officer charged with making such contract shall prescribe, and the contract therefor shall be let to the lowest responsible bidder, who shall execute a bond to said city with one or more sureties, being freeholders, for the faithful performance of the contract. Each surety shall make an oath, in writing, that he is worth a sum double the contract price, over and above all debts and liabilities he owes or has incurred and exclusive of property exempt from execution, but where the contract exceeds two thousand five hundred dollars, the amount in which the surety is required to justify may be made up by the justification of two or more sureties, each in a similar sum, but in that case a surety can not justify in a less sum than five thousand dollars; and, where two or more sureties are required to justify, the same person can not so contribute to make up the sum for more than one of them. When the lowest bid, in the opinion of the common council, board or officer charged with making the contract is too high, they shall, if the common council consent thereto by resolution, have the right to reject it, and may discontinue or abandon the work or may direct the clerk to advertise for new proposals, or with the consent of the common council, such work may be done without public letting. If, however, the estimated expenditure does not exceed five thousand dollars, the work may be done and expenditures made without a public letting, if the common council by resolution consent thereto.

§ 4. Section forty-four of said chapter, is hereby amended to read as follows:

§ 44. **The city assessors.**— The elective city assessor shall perform all the duties required of him by this act in relation to the assessment of property in said city as well for the purpose of imposing taxes levied by the board of supervisors of Cortland county as those levied by the common council of said city and to that end he shall perform all the duties and possess all the powers and authority of town assessors, except as modified by this act. He shall as fast as fixed and estimated by him, and a reasonable time before the first day of August of each year, exhibit and furnish to the appointive assessors, all values, and assessments as estimated by him, and the three assessors, or a majority thereof, shall fix and establish all values and assessments prior to the first day of August of each year, and prior to the completion, filing and review thereof, and shall meet together from time to time for such purpose.

§ 5. Subdivision four of section seventy-seven of said chapter, as amended by chapter two hundred and ninety-five of the laws of nineteen hundred and three, is hereby amended to read as follows:

4. **Macadamizing or slagging without petition, et cetera.**— Provided however that in addition to the foregoing provisions of this section, if the board of public works shall, by a resolution adopted by a unanimous vote of all the members of said board, present at such meeting decide that any street or section of a street ought to be macadamized or remacadamized or ought to be built or rebuilt of slag or other suitable materials either with or without suitable curbs and gutters in connection therewith, and in addition thereto, shall decide by unanimous vote of all the members of said board, present at such meeting that the total cost and expense thereof, with or without suitable curbs and gutters in connection therewith, ought to be borne by the property owners whose lands abut upon said street or section thereof proposed to be so improved, in a lesser share than the two-thirds thereof or thereabouts, as herein provided in this foregoing section seventy-seven as hereby and heretofore amended, in such case said board of public works may macadamize or remacadamize the same, or build or rebuild the same of slag or other suitable materials, without any consents in writing of the abutting property owners, and without the concurrence of the common council, upon such ratio and division of the entire cost and expense thereof, as between the city of Cortland and the owners of property abutting thereon, as said board shall

decide to be just and equitable, but in no case shall more than two-fifths or forty per centum in the aggregate, of such entire cost and expense of such improvements, including curbs and gutters, exclusive of street intersections, be assessed upon the owners of property abutting thereon. But up to said two-fifths of such entire cost and expense thereof, including curbs and gutters, the same may be assessed upon the owners thereof and upon the property abutting thereon. And in such case the entire provisions and practice of the foregoing section seventy-seven as hereby and heretofore amended, and each and every part thereof, including assessments on abutting property owners, and including the rights and remedies against any railroad, its owner, or owners of gas or water mains, the issue of series A and series B bonds, shall apply to such proceedings, excepting that neither consents of the abutting property owners nor the concurrence of the common council shall be necessary therein, and excepting that the division and ratio of the entire maximum cost and expense thereof as between the city of Cortland, and the abutting property owners, shall be as herein provided in this subdivision four of said section seventy-seven of this act as hereby and heretofore amended, and excepting also that the work may be done and material furnished without public letting, and without consent of the common council where the total estimated expenditure for such improvement does not exceed five thousand dollars, but if it exceeds the sum of five thousand dollars, it may in all cases be done without public letting, if the common council of said city by resolution consent thereto. And excepting also that the board of public works may also in its discretion pay the whole or any portion of the city's share and portion of the expense of such improvement out of the public works fund as it may direct before issuing series A bonds for any balance thereof.

§ 6. Section one hundred and fifteen of said chapter, is hereby amended to read as follows:

§ 115. **Vacancies in police force.**—The board of police commissioners shall, within thirty days after a vacancy occurs in the police force, for any cause, appoint a successor to the person whose office has become vacant.

§ 7. Section one hundred and eighty of said chapter, is hereby amended to read as follows:

§ 180. **Assessment of taxes.**—The elective assessor shall in each year prepare an assessment-roll of the persons and property taxable within the city, in the same manner and form as is re-

quired by law for the preparation of town assessment-rolls, except as modified by this act. In the assessment of any land in said city for any purpose, it shall be sufficient to state the name of one of the owners or occupants of said land, and also the street and number of any building thereon; but if the land be vacant or the building thereon not numbered, then the name of the street on which it fronts shall be given. In case no inhabited building is on the land, the owner may be designated as unknown. No error in the name of the owner or occupant shall invalidate the assessment. Only one assessment shall be made in each year for all the taxes levied within the city during that year. The elective assessor and two appointive assessors, or a majority of the three, shall in the first instance and prior to the review thereof, fix and establish all values and assessments thereof in all respects as provided by section forty-four of title three of this act as amended.

§ 8. Section one hundred and eighty-one of said chapter as amended by chapter two hundred and ninety-five of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 181. Completion of roll.—The elective and appointive assessors on the first day of August in each year shall complete such assessment-roll and shall file the same with the city clerk and shall give notice for thirty days, by posting such notice in three public places in the city, and by publication thereof in the official newspapers of the city, once in each week during said time, that such roll is completed and filed, and that all persons interested may examine the same at the city clerk's office, and that also on the first Tuesday of September next ensuing, at a place specified in such notice, the board of review will sit to review the same.

§ 9. This act shall take effect immediately.

Chap. 51.

AN ACT to amend the code of civil procedure, relative to the preference of causes upon the calendar.

Became a law, March 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section seven hundred and ninety-one of the code of civil procedure, as amended by chapter

one hundred and thirty-six of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

Subdivision 1. An action or special proceeding brought by or against the people of the state, or brought by the people of the state on the relation of a party, or brought by or against any state officer or board of state officers as such; where the attorney of the said people, state officer or board of state officers, or attorney for the plaintiffs in such action or special proceeding has given notice, at the time of the service of the notice of trial or argument, of the particular day in the term at which he will move it. If the action or special proceeding is not moved by said attorney for trial or argument on that day, or as soon thereafter in the same term as the court can hear it, the other party may then move the trial or argument; otherwise it shall not be moved out of its order at that term except by the special order of the court.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 52.

AN ACT to amend section nineteen of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," relative to the vote required to pass an ordinance for the appropriation of money.

Became a law, March 14, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nineteen of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," as amended by chapter one hundred and seventy-seven of the laws of nineteen hundred and two and chapter four hundred and fifty-four of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 19. No ordinance shall be passed by the common council on the same day in which it is introduced, except by unanimous consent, and no appropriation of money shall be made for any

purpose, except by an ordinance, passed by a majority of all the members, specifying by items the amount thereof and the department or specific purpose for which the appropriation is made; and no ordinance shall be passed making or authorizing a sale or lease of city real estate or of any franchise belonging to or under the control of the city, except by a vote of three-fourths of all the members of the common council; and in case of the proposed sale of real estate or the proposed sale or proposed lease of a franchise, except as hereinafter provided, the ordinance must provide for a disposition, under proper regulations for the protection of the city, at public auction, after public notice for at least three weeks, to the highest bidder; and a proposed sale or proposed lease thus originated shall not be valid nor take effect, unless the aforesaid notice shall have been given and the aforesaid disposition, namely, a sale at public auction to the highest bidder shall have been had, and unless subsequently approved by a resolution of the board of estimate and apportionment. No such franchise shall be granted or be operated for a period longer than fifty years. The common council may, however, grant to the owner or lessees of an existing franchise, under which operations are being actually carried on, such additional rights or extensions, in the street or streets in which the said franchise now exists, upon such terms as the interests of the city may require, with or without sale and advertisement, as said common council may determine; provided, however, that no such grant shall be operative unless subsequently approved by resolution of the board of estimate and apportionment, and also by the mayor.

§ 2. This act shall take effect immediately.

Chap. 53.

AN ACT to authorize the city of Mount Vernon to issue bonds for the purpose of refunding bonds falling due on or before February first, nineteen hundred and seven, and for which no provision has been made in the sinking fund.

Became a law, March 14, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Mount Vernon, is hereby authorized and empowered to issue bonds upon the credit of said city, to be denominated refunding bonds, to the amount of outstanding bonds falling due on or before February first, nineteen hundred and seven. Such bonds shall be issued in the name of the city of Mount Vernon and under its corporate seal, and shall be signed by the mayor and city clerk, and shall bear interest at a rate not exceeding four per centum per annum, and shall be payable within not less than ten nor more than fifteen years from date of issue, and shall be of such denomination and description as the common council shall determine.

§ 2. When the common council shall by resolution so determine, public notice inviting proposals for the purchase of such bonds shall be given by publication in the official newspapers and in a newspaper of general circulation in financial circles and in such other manner as the common council may prescribe, and in such notice shall state that at a time and place therein named the common council will receive sealed proposals for the purchase of such bonds and will award bonds to the highest bidder unless the said common council shall deem it to be for the interests of the city to reject such bid. The said bonds shall not be sold for less than their par value and accrued interest.

§ 3. The moneys received from the sale of bonds authorized by this act shall be used only to pay the principal of bonds falling due on or before February first, nineteen hundred and seven, and which can not be paid out of the moneys in the sinking fund, and for no other purpose whatsoever, and for that purpose shall be placed in an account denominated bonds falling due on or before February first, nineteen hundred and seven. No moneys

in the sinking fund shall be used or paid out or transferred from said fund for any other purpose than to pay principal or interest of bonds of the city of Mount Vernon or of the former village of Mount Vernon.

§ 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 54.

AN ACT to legalize a certain contract made between the city of Niagara Falls, the Niagara Falls hydraulic power and manufacturing company and the international railway company, relative to the construction of bridges over the hydraulic canal of the Niagara Falls hydraulic power and manufacturing company in said city; to authorize said city to perform and carry into effect its part of said contract; to issue bonds for such purposes, and to levy and assess taxes for the payment of such bonds.

Became a law, March 14, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and and Assembly, do enact as follows:

Section 1. The contract made and entered into between Niagara Falls hydraulic power and manufacturing company, of Niagara Falls, New York, of the first part, city of Niagara Falls, of the second part, and International railway company, of the third part, under date of January twenty-seventh, nineteen hundred and six, relative to the construction of bridges over and across the hydraulic canal of the Niagara Falls hydraulic power and manufacturing company in said city and the payment of the cost thereof is hereby authorized, legalized, ratified and confirmed, and the city of Niagara Falls is hereby authorized and empowered to do and perform any and all acts and things in accordance with the provisions of said contract, which may be required or necessary to the performance of said contract and to the carrying of the same into full force and effect.

§ 2. The board of public works of said city may, and it is

hereby authorized to erect and construct, or cause to be erected and constructed, a new bridge across said canal at Erie avenue, and to issue and sell the bonds of the city for its portion of the cost thereof, in accordance with and as provided in said contract, and to reimburse the Niagara Falls hydraulic power and manufacturing company in accordance with said contract, for the cost of the construction of the bridges to be built across said canal at Fourth street, and at Third street and Niagara street, in case the courts, in the action now pending in the supreme court of the state of New York, between said Niagara Falls hydraulic power and manufacturing company, as plaintiff, and said city of Niagara Falls, as defendant, relative to the construction of said bridges, shall determine that it is the duty of the city to construct said bridges, or to pay therefor or for some part thereof, and to issue the bonds of the city, for the purpose of reimbursing said company, for the amount of the cost of such bridges or such portion thereof as the court in said action may determine it is the duty of the city to pay, and the common council of said city shall have power and it shall be its duty to raise by taxes, from the taxable inhabitants of said city and the property therein liable for taxation, such sums of money, from time to time, in and as a part of the general city taxes as may be necessary to pay the principal and interest of such bonds as they become due and payable.

§ 3. The bonds of said city by any of the provisions of this act authorized to be issued, shall bear semi-annual interest not exceeding four per centum per annum, and shall be sold at not less than par, and shall be of such denomination, and payable, principal and interest, at such place or places, and at such time or times as the board of public works shall determine. Such bonds shall be signed by the mayor, attested by the clerk, and the seal of the city, and shall be countersigned by the treasurer; and the city clerk and the treasurer shall keep in the book provided by the city for that purpose a record of the number, denomination, rate of interest, date and maturity of every such bond attested and countersigned by them, and a like record of every such bond negotiated and delivered, and the name of the purchaser and the amount realized therefor. It shall be the duty of the board of estimate and apportionment to investigate, make arrangements for the negotiation and sale of all such bonds, and to complete the sale thereof to the highest bidder therefor, and when so completed the city treasurer shall, when authorized by

resolution of the board of estimate and apportionment, so to do, but not otherwise, deliver any such bonds to the purchaser thereof, upon receipt by the treasurer of the amount or price named in the resolution authorizing such delivery. Every such bond when so delivered by the treasurer shall be and then become an obligation against the city of Niagara Falls for principal and interest.

§ 4. This act shall take effect immediately.

Chap. 55.

AN ACT to prevent the location, construction, maintenance and operation of a street surface railroad or railroad of any kind in or upon Beach lane at Westhampton beach, in the town of Southampton, in Suffolk county.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate Assembly, do enact as follows:

Section 1. No street surface railroad or railroad of any kind shall be located, constructed, maintained and operated in or upon the highway, road or lane known as Beach lane, extending from Main street (formerly known as Ketchabonack highway) to the ocean, at Westhampton beach in the town of Southampton, in Suffolk county, provided however that nothing herein contained shall effect any consents heretofore granted or any rights heretofore acquired by any railroad corporation.

§ 2. This act shall take effect immediately.

Chap. 56.

AN ACT to amend chapter two hundred and fifteen of the laws of eighteen hundred and twenty, and to revise and consolidate the several acts relative to, and to change the name of the corporation heretofore known as the trustees of the theological seminary of Auburn in the state of New York.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The corporation known as the trustees of the theological seminary of Auburn in the state of New York, created by chapter two hundred and fifteen of the laws of eighteen hundred and twenty, entitled "An act to incorporate the Presbyterian theological seminary, established by the synod of Geneva, at Auburn, in the county of Cayuga," is continued and shall hereafter be known and designated as Auburn theological seminary; provided however, that for the purpose of discharging, collecting or assigning securities, or of conveying real estate belonging to it and standing in the name of the trustees of the theological seminary of Auburn in the state of New York and for the purpose of prosecuting or defending any pending action or special proceeding, the said corporation may continue to use and be designated by its said former name.

§ 2. In place of the board of trustees and the board of commissioners heretofore charged with the control of said seminary there shall hereafter be a single board of twenty-eight directors of said corporation to be chosen as follows: The president of said seminary for the time being, shall, ex officio, be one of the members of said board and shall be its president. One member of said board shall be chosen by each of the eighteen presbyteries heretofore associated in the control of said seminary, namely, the presbyteries of Albany, Binghamton, Buffalo, Cayuga, Champlain, Chemung, Columbia, Genesee, Geneva, Lyons, Niagara, Otsego, Rochester, Saint Lawrence, Steuben, Syracuse, Troy and Utica. The remaining nine members of said board shall be elected, in the first instance, by the eighteen members so chosen by said presbyteries and thereafter by the entire board of directors. The following named persons, heretofore chosen by said presbyteries, namely, Edgar C. Leonard, Aaron P. Storrs, Charles E. Walbridge, J. Frederick Fitschen, junior, John B.

Kelly, Abbott Y. Wilcox, Chester G. Thorne, Arthur E. Brigden, Charles K. Scoon, Vernon N. Yergin, Albert S. Bacon, Fred H. Watkins, William R. Taylor, George B. Massey, Charles N. Frost, Eleazer W. Edwards, George Fairlee, Dana W. Bigelow, together with George B. Stewart, the present president of said seminary, are hereby constituted members of said board of directors and they shall meet as soon as practicable after this act takes effect, and shall elect said remaining nine members of said board. Such meeting shall be held at the said seminary in the city of Auburn upon the call of the said president of said seminary, or of any two members of said board of directors, and at least five days written notice of the time and place of said meeting shall be given, by mail, to each of the above named directors. The nine directors elected at said meeting, together with the president of said seminary and the said eighteen directors chosen by the said presbyteries shall thereupon constitute the board of directors of said corporation. The said directors, other than said president, shall be divided into three classes. The terms of office of the first class shall expire at twelve o'clock noon of the Thursday next following the first Sunday of May, in the year nineteen hundred and seven; those of the second class on the corresponding Thursday of the following year and those of the third class on the corresponding Thursday of the second year thereafter. Of the eighteen directors chosen by the said presbyteries, Edgar C. Leonard, Aaron P. Storrs, Charles E. Walbridge, J. Frederick Fitschen, junior, John B. Kelly and Abbott Y. Wilcox shall be of the first class; Chester G. Thorne, Arthur E. Brigden, Charles K. Scoon, Vernon N. Yergin, Albert S. Bacon and Fred H. Watkins shall be of the second class and William R. Taylor, George B. Massey, Charles N. Frost, Eleazer W. Edwards, George Fairlee and Dana W. Bigelow, shall be of the third class; and the nine additional directors elected by them shall be classified at the time of said election, three to each of the first, second and third classes. At the expiration of the several terms of office of the said directors, their successors shall be chosen for a term of three years each. Vacancies occurring in the said board occasioned by death or resignation shall be filled for the unexpired term only. A vacancy occurring in the term of office of a director chosen by one of the presbyteries shall be filled by such presbytery. A vacancy occurring in the term of office of any other member of the board shall be filled by the board.

§ 3. The said board of directors shall have the immediate care of the said seminary, and the management of the estate, both real and personal, of the said institution, and shall have power to sell and otherwise dispose of the same, for the purpose of benefiting the funds of said institution, and of applying the avails of those funds, from time to time, to the purposes of the said institution, and shall have the general superintendence, management and control of the aforesaid institution and authority to appoint and remove tutors, professors and other officers of the said institution; to fix and determine the salary and other compensation of said tutors, professors and officers; to make all other necessary appropriations of the funds of said institution and to determine what number of said board shall form a quorum for doing business. Said board shall also have power to make necessary by-laws and ordinances, both for its own government, and for the management of the said seminary; provided, that the same be not inconsistent with the laws and constitution of this state, or the United States.

§ 4. Real and personal property may be granted and conveyed, devised and bequeathed to the said corporation, to be held in trust for the uses and purposes for which it was organized, provided however, that the amount of property said corporation may hold shall not exceed that fixed by the general laws of the state of New York.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 57.

AN ACT to amend the village law, in relation to the submission of propositions at a village election.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-nine of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," is hereby amended to read as follows:

§ 59. **Submission of propositions; special election.**—The board of trustees may, upon its own motion, and shall, upon the petition of twenty-five electors, qualified to vote upon a proposition, cause to be submitted at a village election, a proposition upon any question which may be lawfully decided thereat. A separate board of fire, water, light, sewer, cemetery or other commissioners may present to the board of trustees a petition, requesting the submission of a specified proposition, relating to its department, at a village election. Upon the presentation of such petition, the board of trustees shall cause the proposition to be submitted accordingly. If a petition under this section be presented after the annual election and before the first day of January following, a special election shall be called, to be held not less than ten nor more than twenty days after the presentation of such petition. If a petition be presented at any other time, and more than ten days prior to the annual election, the proposition shall be submitted at such annual election. Except for the purpose of fixing or changing the number of trustees, or for the purpose of determining whether an officer shall be thereafter elected or appointed, no special election shall be held in the months of February or March. The foregoing provisions in this section contained in respect to the time of presentation of a petition under this section and prohibiting a special election in February or March, shall not apply to villages which hold their annual election in June, but in such a village the board of trustees may upon its own motion, submit a proposition at a special village election in April, and if such a petition be presented after the annual election, and before the first day of April following, a special election shall be called in the manner hereinbefore provided; but if a petition be presented at any other time and more than ten days prior to the annual election, the proposition shall be submitted at such annual election. Except for the purpose of fixing or changing the number of trustees, or for the purpose of determining whether an officer shall be thereafter elected or appointed, no special election shall be held in such a village in the month of May or June. Notice of a special election for the submission of a proposition shall be given in the same manner as for an annual election. Such special election shall be held by the same officers, and conducted and the result canvassed in the same manner as an annual election.

§ 2. This act shall take effect immediately.

Chap. 58.

AN ACT to amend the consolidated school law relative to misrepresentations in the sale of school supplies.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title one of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four, entitled "An act to revise, amend and consolidate the general acts relating to public instruction," is hereby amended by adding at the end thereof a new section to be known as section sixteen, and to read as follows:

§ 16. It shall be a misdemeanor for any employee, agent, or representative of a firm, company, or corporation engaged in selling, publishing, or manufacturing papers, periodicals, books, maps, charts, school supplies, apparatus, or furniture, or any other person engaged or employed in such business to falsely represent to a board of trustees or board of education of a school district or to a teacher employed in a public school in this state or to a superintendent of schools or other school officer that he is an agent, employee, or representative of the commissioner of education, the state education department, the regents of the university of the state of New York, or of any other school officer.

§ 2. This act shall take effect immediately.

Chap. 59.

AN ACT to amend chapter seven hundred and five of the laws of nineteen hundred and five, entitled "An act to provide for annual reports by and the examination of accounts of counties, cities of the second and third classes and villages having a population of three thousand or more, the tabulation of comparative statistics as to the cost of maintaining the various branches of government in such municipalities and making an appropriation therefor," relative to the salary of the chief accountant.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of chapter seven hundred and five of the laws of nineteen hundred and five, entitled "An act to provide for annual reports by and the examination of accounts of counties, cities of the second and third classes and villages having a population of three thousand or more, the tabulation of comparative statistics as to the cost of maintaining the various branches of government in such municipalities and making an appropriation therefor," is hereby amended to read as follows:

§ 6. Chief accountant and examiners of accounts.—The comptroller shall appoint a chief accountant who, under his direction, shall be charged with the preparation of the forms of the reports required by the provisions of this act, the compilation of the comparative statistics and the inspection and examination of municipal accounts. He shall also appoint not to exceed two examiners who shall be charged with the duty of inspecting and examining the accounts of such municipal corporations. The chief accountant shall receive a salary of not to exceed two thousand five hundred dollars and his necessary traveling and other actual expenses; the examiners of accounts shall each receive when employed five dollars a day and their necessary traveling expenses.

§ 2. This act shall take effect immediately.

Chap. 60.

AN ACT to amend the code of civil procedure, relative to certain actions in county court.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighteen hundred and thirty-six of the code of civil procedure, is hereby amended to read as follows:

§ 1836. Where it appears in a case specified in the last section that the plaintiff's demand was presented within the time limited by a notice published as prescribed by law, requiring creditors to present their claims and that the payment thereof was unreasonably resisted or neglected, or that the defendant did not file the consent provided in section eighteen hundred and twenty-two at least ten days before the expiration of six months from the rejection thereof the court may award costs against the executor or administrator to be collected either out of his individual property or out of the property of the decedent as the court directs, having reference to the facts which appear upon the trial. Where the action is brought in the supreme court, or any county court, the facts must be certified by the judge or referee before whom the trial took place.

§ 2. This act shall take effect on the first day of September, nineteen hundred and six.

Chap. 61.

AN ACT to amend the code of civil procedure with respect to the city court of the city of New York and to provide for an additional stenographer therefor.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three hundred and thirty-two of the code of civil procedure is hereby amended to read as follows:

§ 332. The clerk of the court must appoint six stenographers of the court, and may at pleasure remove either of them. The justices of the court, or a majority of them, must, from time to time, assign each of the stenographers to duty at the trial or special terms. Each stenographer is entitled to a salary, fixed and to be paid as prescribed by law. He must attend each term to which he is assigned.

§ 2. All acts or parts of acts which provide for the appointment of additional stenographers of said court are hereby repealed, so far as they authorize the appointment of such stenographers.

§ 3. This act shall take effect immediately.

Chap. 62.

AN ACT to amend the town law, in relation to town assessors in Nassau county.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy-eight-a of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," as inserted by chapter three hundred and twenty-nine of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 178-a. **Assessors in certain towns of Nassau county.**—The assessors of Nassau county in the towns having a population, as appears by the last federal census, of seventeen thousand or more, may in their discretion employ a clerk at a salary to be determined by them, but not exceeding one thousand dollars per year, also additional clerk hire at a sum not to exceed eight hundred dollars per year, and the salaries of said clerks shall be paid by the supervisor of the town in equal quarterly payments, and shall be a town charge and shall be levied and collected in the same manner as other town charges. The assessors of Nassau county in the towns having a population, as appears by the last federal census, of seventeen thousand, or more, shall devote all their time during busi-

ness hours to their official duties. They shall keep their office open for the convenience of the public every week day of the year, except public holidays and Saturdays, from nine o'clock in the morning till four o'clock in the afternoon, and on Saturdays from nine o'clock in the morning until one o'clock in the afternoon, and shall cause one of their number or the clerk of the board to be in attendance during said office hours. Between the first day of September in each year, and the first day of July in the year next following, the assessors shall proceed to ascertain by diligent inquiry the names of all taxable inhabitants in their respective towns and also all the taxable property, real or personal within the same.

§ 2. This act shall take effect immediately.

Chap. 63.

AN ACT to amend chapter four hundred and twenty-four of the laws of eighteen hundred and ninety-seven, entitled "An act to provide for the proper observance of Memorial day in the city of Rochester, and to authorize the common council of said city to make an annual appropriation for that purpose," generally.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one and two of chapter four hundred and twenty-four of the laws of eighteen hundred and ninety-seven, entitled "An act to provide for the proper observance of Memorial day in the city of Rochester, and to authorize the common council of said city to make an annual appropriation for that purpose," is hereby amended to read as follows:

§ 1. The board of estimate and apportionment and the common council of the city of Rochester are hereby authorized in their discretion, to estimate and raise annually, and in the same manner as moneys for city purposes are raised, a sum not to exceed seven hundred and fifty dollars in any one year, and to expend the same in meeting the expense of a proper observance of Memorial day, and in the decoration of the graves of the dead soldiers, sailors and marines, buried in the cemeteries of said city and its suburbs.

§ 2. Said moneys shall be expended under the direction of the various veteran organizations of said city, and shall be paid by the city treasurer, in the same manner as other moneys for city purposes are paid upon the audit of the comptroller.

§ 2. This act shall take effect immediately.

Chap. 64.

AN ACT to amend chapter fifty-one of the laws of eighteen hundred and eighty-two, entitled "An act in relation to the supreme court library, located at Delhi," relative to the salary of the librarian.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter fifty-one of the laws of eighteen hundred and eighty-two, entitled "An act in relation to the supreme court library, located at Delhi," as amended by chapter sixteen of the laws of nineteen hundred and two is hereby amended to read as follows:

§ 3. The salary of such librarian shall be five hundred dollars per annum, and shall be paid in quarterly payments of one hundred and twenty-five dollars each, on the last day of each of the months of March, June, September and December of each year, by the county treasurer of the county of Delaware, from the funds in his hands as such treasurer.

§ 2. This act shall take effect immediately.

Chap. 65.

AN ACT to make the office of sheriff of Ulster county a salaried office, and to regulate the management thereof.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sheriff of the county of Ulster next elected or appointed, and thereafter to be elected or appointed shall receive as compensation for all services hereinafter enumerated the annual salary of three thousand five hundred dollars, payable quarterly by the treasurer of said county. Such salary shall not be increased or diminished during the term for which such sheriff shall have been elected or appointed.

§ 2. Such salary shall constitute the whole compensation of said sheriff for all the official services which may be performed by him as sheriff in his attendance upon any and all courts of record held in the county of Ulster and for all services performed by him under this act or for the state of New York, for the county of Ulster, or chargeable thereto, or which he is or shall be required or authorized by law to perform by virtue of his office as such sheriff, including the care and management of the jail and the persons therein confined, and no other compensation, payment or allowance shall be made to him or received by him for his own use for any such service, except the fees specified in section ten and the expenses and disbursements specified in section eleven of this act.

§ 3. All fees, emoluments and perquisites which such sheriff shall charge or receive or which he is entitled to receive as a peace officer or which he shall legally be authorized, required or entitled to charge or receive for conveying prisoners to state or other institutions and for all other services for the state of New York or for the county of Ulster for which fees are paid shall belong to the county of Ulster and it shall be the duty of such sheriff to exact, collect and receive for said county the full amount allowed by law of all such moneys, fees, emoluments and perquisites. This section shall not apply to the mileage specified in section eleven of this act.

§ 4. The sheriff, before entering upon his duties of his office,

shall execute to the people of this state a bond in the penal sum of ten thousand dollars with three or more sufficient sureties, or a bond of a fidelity and surety company authorized by the laws of this state to transact business therein. Such bond shall be conditioned that the said sheriff shall well and faithfully discharge all the duties of his office and all trusts imposed upon him by law or by virtue of his office and shall safely keep and pay over to the county treasurer of said county all moneys which shall come into his hands belonging to the county of Ulster. Before the said sheriff shall enter upon the discharge of his duties, the said bond shall be approved as to its form and sufficiency of said sureties by the clerk of the county of Ulster and shall be filed in the office of said county clerk and the clerk shall at the time of his approval thereof examine each individual surety thereof under oath and he shall not approve of such undertaking unless it shall appear on such examination that such individual sureties are jointly worth at least the penalty mentioned in said bond over and above all debts whatever, which examination subscribed by the sureties shall be indorsed on or attached to the said bond. Said sheriff shall be responsible for the official acts of the sheriff, jailers, deputies and other assistants appointed by him and may require and take a bond from each of them in a good and sufficient amount conditioned for the faithful performance of their respective duties, which shall be approved by him as to its form and sufficiency; and if any sheriff shall neglect for five days after the commencement of his term of office to execute and file the bond herein required to be executed by him, his office shall thereupon become vacant.

§ 5. Such sheriff shall keep in his office a proper book or books to be provided by the county for that purpose, an exact and true account of all the official services performed by him as sheriff and of all fees, moneys, perquisites and emoluments received or chargeable by him therefor pursuant to law. Such book or books shall constitute a part of the records of such office and shall at all times during office hours be open to public inspection, but this section shall not apply to any services rendered in civil causes or proceedings.

§ 6. Such sheriff shall make a full and true statement for each quarter of the year of all moneys received each day by him or his under-sheriff or deputies or other official appointees, and of the fees, perquisites and emoluments for all services rendered by him or them in his or their official capacity, which by the pro-

visions of this act belong to said county. He shall transmit such statement to the county treasurer of said county within ten days from the expiration of said quarter. Such statement shall show the total receipts for said quarter and shall have attached thereto an affidavit of said sheriff in effect that the same is in all respects a full and true statement of all moneys by him and those under him to his knowledge received and chargeable to said office as herein provided. A summary of such quarterly reports shall also be prepared by the sheriff and presented to the board of supervisors at its annual meeting in the month of November in each year. At the time of rendering every such quarterly statement, such sheriff shall pay over to the county treasurer of the county of Ulster for the benefit of said county the whole amount of the moneys so received by him and chargeable to said office since making the last preceding quarterly report.

§ 7. It shall be the duty of such sheriff to keep and properly care for the courthouse, the offices and rooms therein, the jail of said county, manage and run the heating plant in said courthouse and jail, preserve and care for all property belonging to said county and situate in said courthouse and jail; and he shall be responsible for the custody maintenance and control of all prisoners and persons detained in said jail. On the first day of January, or within ten days thereafter, in each year the said sheriff shall take an inventory of all property of every kind and nature belonging to the county in the possession of the sheriff or his appointees and shall file such inventory with the clerk of the board of supervisors to be kept by him as a part of the records of his office. The said sheriff shall be chargeable with the property mentioned in said inventory and at the end of each year the said sheriff shall account for the property in the last inventory contained and purchased since the last inventory was taken and he shall be liable to pay to the county of Ulster the value of any property which shall be missing, and not accounted for, and at such time and in such manner as the board of supervisors of said county shall direct.

§ 8. The board of supervisors of Ulster county shall, at each annual session, audit and allow the bills of the sheriff of said county for the supervision and maintenance of the prisoners confined in the jails of said county, whose care and maintenance shall be a county charge, at a sum not to exceed one dollar

and seventy-five cents per week for each prisoner. And the said sheriff shall present to said board an itemized bill showing the names of each prisoner, the court, judge or justice by whom sentenced or committed, the crime or charge for which sentenced or committed, and the actual time each was confined in said jail as a county charge. Care, supervision and maintenance shall include the board, washing, service and every charge of any name, nature or description which can or may legally be made in connection with said prisoners from the time of their confinement in said jail until their discharge.

§ 9. The said sheriff shall appoint an under-sheriff, whose salary shall be thirteen hundred dollars per annum; he may also appoint a jailer, whose salary shall be six hundred dollars per annum; such salaries shall be payable quarterly, in the same manner as the sheriff's salary. The said sheriff may appoint such deputy-sheriffs as he may deem proper, who shall hold their office during the pleasure of the sheriff but who shall receive no fees or compensation for any service rendered in any criminal action, matter or proceeding, and said sheriff shall be responsible for all the official acts of each and every of the deputy-sheriffs. The said sheriff may also, in time of riot or other unlawful assemblies, appoint as many special deputy-sheriffs as may be actually necessary to preserve order and the peace of the people and protect property, and the cost and expense thereof shall be a charge upon the county of Ulster and shall be audited and allowed to those duly appointed and acting as such special deputies, by the board of supervisors, as other claims against the county are audited and allowed.

§ 10. In addition to the salary specified in section one of this act, the sheriff is authorized and entitled to charge, take and receive the fees now allowed to sheriffs by law in civil causes and proceedings and paid by litigants or individuals as and for his compensation for services and disbursements rendered therein and his liabilities thereunder and for the services of the under-sheriff, deputies and other employees of his office in such causes and proceedings, except the charge for calendar fees which shall be collected by the sheriff, accounted for and turned over to the county treasurer.

§ 11. The said sheriff shall also be allowed and entitled to receive his actual expenses and disbursements going from and

returning to his office for serving warrants and subpoenas in all criminal proceedings, in serving jurors, in the transportation of prisoners, and for any other service he may be required to render in the discharge of his duties other than in civil causes and proceedings. Such disbursements and expenses shall be in full for any such service he may be required to render as such sheriff and the same shall be subject to audit and allowance by the board of supervisors of said county and when allowed shall be paid by the county treasurer.

§ 12. Any officer referred to in this act who shall receive to his own use or for the use of another, any fee, perquisite, or emolument, contrary to the provisions of this act or shall neglect to account for any such fee, perquisite or emolument by this act declared to belong to the county of Ulster shall be guilty of a misdemeanor and upon conviction thereof shall be punished by fine and imprisonment or both at the discretion of the court before whom such officer may be convicted, and shall also be liable to said county in a civil action for all moneys so received and not accounted for and paid to the county treasurer pursuant to the requirements of this act.

§ 13. The board of supervisors of the said county of Ulster shall at its annual meeting raise by taxation upon the taxable property of said county all sums of money necessary to carry out the provisions of this act.

§ 14. All acts and parts of acts inconsistent with this act in so far as the same may relate to Ulster county are hereby repealed.

§ 15. This act shall take effect immediately.

Chap. 66.

AN ACT to make the office of sheriff of the county of Warren a salaried office.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sheriff of the county of Warren next elected or appointed and thereafter to be elected or appointed shall receive

as compensation for all services hereinafter enumerated the, annual salary of two thousand two hundred dollars, payable monthly by the treasurer of said county; and shall be entitled to the use of the sheriff's residence together with lights and heat without charge or expense.

§ 2. Such salary shall constitute the whole compensation of said sheriff for all the official services which may be performed by him as such sheriff in his attendance upon the courts of record held in the county of Warren and for all services performed by him under this act or for the state of New York or the county of Warren or for any town in the county of Warren or chargeable thereto, or which he is or shall be required or authorized by law to perform by virtue of his office as such sheriff, including the care and management of the jail and the persons confined therein, and the compensation of a jailer, turnkey, and all necessary assistants and help, and the care of the courthouse and the grounds surrounding the same, and no other compensation, payment or allowance shall be made to him or received by him or any other person for his own use for any such services, except as may be hereinafter specified.

§ 3. All fees, emoluments and perquisites which such sheriff or the under-sheriff or any deputy sheriff of the county of Warren shall charge or receive, or which either of them is entitled to charge or receive as a peace officer, or which either of them shall legally be authorized, required or entitled to charge or receive for conveying prisoners to state or other institutions and for all other services for the state of New York or the county of Warren or any town in the county of Warren for which fees are provided and paid, shall belong to the county of Warren, and it shall be the duty of such sheriff, under-sheriff and deputy sheriffs to exact, collect and receive for said county the full amount allowed by law of all such moneys, fees, emoluments and perquisites.

§ 4. Before entering upon the duties of his office the sheriff shall execute to the county of Warren a bond in the penal sum of five thousand dollars with two or more sureties. Such bond shall be in addition to any other bond required to be executed by such sheriff, and shall be conditioned that the said sheriff shall well and faithfully discharge all the duties of his office and all trust reposed in him by law, or by virtue of his office and that he shall safely keep and pay over all moneys, to the county treasurer of said county, which shall come into his hands belonging to

the county of Warren. Before the said sheriff shall enter upon the duties of his office the said bond shall be approved as to its form and the sufficiency of the sureties thereon by resolution adopted by the board of supervisors of said county, and the said bond shall be filed and recorded in the office of the clerk of said county. The said sheriff shall be responsible for the official acts of his under-sheriff, jailer, deputies and other assistants appointed by him, and may require and take a bond from each of them, conditioned for the faithful performance of their respective duties, which shall be approved by him as to its form and sufficiency.

§ 5. The sheriff, under-sheriff and deputy sheriffs shall each keep in his office a proper book or books, to be provided at the expense of the county for that purpose, in which shall be entered an exact and true account of all official services performed by him as sheriff, under-sheriff or deputy sheriffs and all fees, moneys, emoluments and perquisites received or chargeable by him therefor pursuant to law. Such book or books shall constitute a part of the records of such office and shall at all times during office hours be open to public inspection, but this section shall not apply to services rendered in civil actions or proceedings.

§ 6. Such sheriff shall make a full and true statement for each month of all moneys received each day by him or his under-sheriff, or deputies, or other official appointees, and of the fees emoluments and perquisites for all services rendered by him or them in his or their official capacity, which by the provisions of this act belong to the county of Warren. He shall transmit such statement to the county treasurer of the county within five days after the expiration of the month. Such statement shall show the total receipts for said month and shall have attached thereto an affidavit of said sheriff in effect that the same is in all respects a full and true statement of all moneys received by him or those under him to his knowledge and chargeable to said office as herein provided. A summary of such monthly statements shall be made by the sheriff and presented to the board of supervisors at its annual meeting. At the time of rendering every such statement, such sheriff shall pay over to the county treasurer of the county of Warren, for the benefit of said county, the whole amount of the moneys so received by him and his official appointees and chargeable to said office since the making of the last preceding monthly statement.

§ 7. It shall be the duty of the sheriff to keep and properly care for the courthouse and jail of said county, preserve all

property belonging thereto and situated therein and he shall be responsible for the custody, maintenance and control of the prisoners and persons confined and detained in said jail. On the first day of January in each year, the auditing committee hereinafter named, shall take and make an inventory of all property of every kind and nature belonging to the county in the possession of the sheriff or his appointees and shall file the said inventory with the clerk of the board of supervisors to be kept by him as a part of the records of his office. The said sheriff shall be chargeable with the property mentioned in said inventory and at the end of each year the said sheriff shall account for the property in the last inventory contained and purchased since the last inventory was taken and shall be liable to pay the county of Warren the value of any such property which shall be missing and not accounted for and at such time and in such manner as said auditing committee shall direct.

§ 8. The board of supervisors at each annual meeting shall appoint a committee of three of its members, who shall designate one of its members as chairman, which committee shall be known as the auditing committee of said county. It shall be the duty of said sheriff of said county, subject to the supervision, control, approval and direction of such auditing committee to purchase and provide all furniture, implements, materials, food and supplies of whatever nature necessary for the custody, care and maintenance of the prisoners and persons confined and detained within said jail, and for the maintenance of the said sheriff and his family, the jailer, cooks and assistants, and the cost of the same and any necessary and actual expense of the sheriff in providing the same shall be a county charge and be paid by the county treasurer when the same shall be certified by the sheriff and audited by said auditing committee and payment thereof directed. The said sheriff shall keep a correct and itemized account of such cost and expense in a book or books provided for that purpose at the expense of the county. Each item of the account shall specify the date at which it was incurred, to whom paid and the purpose for which it was paid. The sheriff shall also obtain a voucher for each item or items incurred by him and if any such item or the aggregate of such items exceeds the sum of ten dollars, it shall be duly verified as to its correctness by the affidavit of the person, firm or corporation furnishing the same. The said auditing committee shall meet on the first Monday of each month and all bills con-

tracted by the sheriff previous to such meeting shall then be submitted to said committee and if approved by it shall be audited and allowed and payment by the county treasurer of the same directed.

§ 9. In addition to the salary specified in this act, the sheriff is authorized and entitled to charge, collect and receive the fees now allowed by law to sheriffs in civil actions and proceedings and paid by litigants and individuals as and for his compensation for services and disbursements rendered therein and his liabilities thereunder and for the services of the under-sheriff, deputies and other employees of his office in such actions and proceedings.

§ 10. The sheriff and his official appointees shall also be allowed and entitled to receive his or their actual expenses and disbursements for serving warrants and subpoenas in all criminal proceedings; in serving jurors; in the transportation of prisoners and for any other services he may be required to render in the discharge of his duties other than in civil actions and proceedings. Such disbursements and expenses shall be subject to audit and allowance by the auditing committee and when allowed shall be paid by the county treasurer of the county.

§ 11. The sheriff may appoint and remove at any time a turnkey and jailer. He shall appoint four deputies for the county, and designate the sections of said county in which they shall respectively perform their duties, and two and not more than two of such deputies shall be residents of and located in the village of Glens Falls. Each deputy sheriff shall continue to reside in the section of the county for which he shall be appointed, and a removal from such section shall be considered a resignation of such office. One of such deputies shall be designated as the under-sheriff. The turnkey and jailer shall be paid by the sheriff. The said four deputies, as above provided, shall each receive an annual salary, payable by the county treasurer monthly. The two deputies who shall be residents of and located in the village of Glens Falls shall each receive an annual salary of six hundred dollars and the two other deputies shall each receive an annual salary of two hundred dollars. It shall be the duty of each under-sheriff, deputy sheriff or other official appointed by the sheriff, who may be authorized or entitled to receive moneys belonging to the county of Warren, to deliver to such sheriff on or before five days after the expiration of each month, an itemized

and verified statement of such receipts on a form to be provided by the board of supervisors and to pay the same in full to the sheriff. The sheriff shall transmit such statements to the county treasurer with his own statement, and the county treasurer shall not make the monthly payment of salary to such sheriff or his deputies until the statements for such month, as herein provided, shall have been filed with him. All appointments by the sheriff shall be in writing and signed by him, and within ten days after any such appointment, the sheriff shall file the same in the office of the county clerk for record and shall within the same time file with the county treasurer a certificate showing the name, postoffice address and official character of the person appointed. The said sheriff may from time to time appoint such number of special deputy sheriffs, as he may deem necessary, but who shall serve without expense to the county. The sheriff may, for the purpose of preserving the peace in case of riot and other similar contingencies, appoint such number of special deputy sheriffs as he may deem necessary. The compensation of such special deputy sheriffs shall be a county charge at not exceeding two dollars per day for each deputy for the time actually and necessarily employed. The claims of such deputies shall be presented to the board of supervisors for audit in the same manner as other county accounts are required to be presented and shall be approved by the said sheriff; such board may allow or disallow in whole or in part any portion of such claims of such deputies unless they were so appointed with the written consent of the county judge or district attorney of said county; such consent when given shall be valid only for one month from the date thereof, but may be renewed from time to time. The sheriff shall from time to time designate the necessary court officers, who shall each be entitled to receive as compensation for his services two dollars for each day actually and necessarily employed as such, and mileage allowed to a court officer and which shall be a county charge. The sheriff may in his discretion designate any of his appointees herein provided for to be such court officer, and while acting as such he shall be entitled to receive the allowance above fixed in addition to the salary to be paid him by the sheriff of the county.

§ 12. No person while holding the office of sheriff, undersheriff, deputy sheriff, jailer, turnkey or clerk, who shall at the same time hold the office of constable, police constable or policeman in any of the towns or villages in the county of Warren, shall

be entitled to receive compensation, payment or allowance from the county of Warren or from any town or village therein, for any services performed by him as such constable, police constable or policeman, which might lawfully have been performed by him as such sheriff, under-sheriff, deputy sheriff, jailer, turnkey or clerk.

§ 13. The sheriff shall present to the board of supervisors a verified statement showing the name of each person committed to and confined in the jail of said county and the actual time each was confined in said jail as a county charge. Care, supervision and maintenance shall include the board, washing, service and every charge of any name, nature or description which can or may legally be made in connection with the prisoners and persons committed to or confined in said jail from the time of their commitment until their discharge.

§ 14. This act shall take effect immediately.

Chap. 67.

AN ACT to amend the highway law, in relation to the undertaking for costs and expenses on an application for laying out or discontinuing a highway.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-three of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter three hundred and thirty-four of the laws of eighteen hundred and ninety-four, chapter three hundred and forty-four of the laws of eighteen hundred and ninety-seven and chapter three hundred and fifty-three of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 83. Applications for commissioners.—Whenever the land is not dedicated to the town for highway purposes, and not released as herein provided, the applicant shall, within thirty days after

presenting the application to the commissioners of highways, and after at least five days' notice to said commissioners of the time and place of the application to the county judge or special county judge, in this section provided for, by verified petition showing the applicant's right to so present the same, and that such application has been in good faith presented, and if the judge require on such notice to such parties interested as he shall direct, apply to the county judge or special county judge, of the county where such highway shall be, for the appointment of three commissioners to determine upon the necessity of such highway proposed to be laid out or altered, or to the uselessness of the highway proposed to be discontinued and to assess the damages by reason of the laying out, opening, altering or discontinuing such highway. Such application shall be accompanied by the written undertaking of the applicant executed by one or more sureties, approved by the judge, to the effect that if the commissioners appointed determine that the proposed highway or alteration is not necessary or that the highway proposed to be discontinued is not useless, the sureties will pay to the commissioners their compensation at the rate of four dollars for each day necessarily spent and all costs and expenses necessarily incurred in the performance of their duties, which amount shall not exceed the sum of one hundred dollars.

§ 2. Section eighty-eight of said chapter, as amended by chapter three hundred and thirty-four of the laws of eighteen hundred and ninety-four, is hereby amended to read as follows:

§ 88. **Decision of commissioners denying application.**—If a majority of the commissioners appointed by county court shall determine that the proposed highway or alteration is not necessary, or that the highway proposed to be discontinued is not useless, they shall make duplicate certificates to that effect. The costs and expenses necessarily incurred by such commissioners in the proceedings shall be indorsed upon such duplicate certificates, and upon a confirmation of such decision and of the amount of such costs and expenses by the county court, such costs and expenses not exceeding one hundred dollars shall be payable by the applicants.

§ 3. This act shall take effect immediately.

Chap. 68.

AN ACT to further amend chapter five hundred and seventy-seven of the laws of eighteen hundred and seventy-five, entitled "**An act to revise and consolidate the several acts relative to the public schools of the city of Auburn,**" as amended by chapter one hundred and seventeen of the laws of eighteen hundred and ninety-three.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nineteen of chapter five hundred and seventy-seven of the laws of eighteen hundred and seventy-five, entitled "**An act to revise and consolidate the several acts relative to the public schools of the city of Auburn,**" as amended by chapter one hundred and seventeen of the laws of eighteen hundred and ninety-three, is hereby further amended so as to read as follows:

§ 19. The said board of education shall have power, and it shall be its duty, to continue, organize, establish and maintain such and so many public schools in said city, as said board may deem necessary for the proper education of all persons entitled to the benefits thereof, to purchase, lease, or improve sites and additions thereto for schoolhouses; to purchase, build, lease, enlarge, alter, improve or repair schoolhouses and their outhouses and appurtenances; and if it is unable to agree with the owner or owners for the purchase of any real estate required by it for the site of any schoolhouse or additional land adjoining to and for the enlargement of an established site, to acquire title to such property by condemnation, as provided in title one of chapter twenty-three of the code of civil procedure; to sell and convey any real or personal property belonging to the school fund, in the manner hereinafter provided; to purchase, exchange, improve and repair any school apparatus, books, furniture or appendages and to defray the expenses of the school library or libraries and to furnish class or text-books for the free use of the schools; to have the care, custody and safe keeping of all the school property, both real and personal, and to prescribe penalties for any damage

thereto, or misuse thereof; to contract with and employ all necessary teachers for such public schools subject to the removal of any such teacher whenever said board may deem it for the best interests of the schools; to establish evening schools for the benefit of those whose ages or vocations are such as to preclude their attendance upon the day schools, in this act provided for; to pay the wages of teachers employed by said board out of the fund appropriated by law, for such purpose; to audit and pay all necessary contingent expenses of the board, including the salary of the secretary and superintendent, the wages of janitors, the cost of fuel and any and all necessary expenditures incurred in the conduct of said schools, and the payment of the same or such parts thereof as shall be allowed by the said board, shall be made directly to such claimants, out of moneys belonging to the public school fund, upon the order of said board, as hereinafter provided — but the aggregate of the expenditures and contracts shall not exceed the amount of moneys which shall be subject to their order during the then current year; to have the general superintendence and management of the public schools of said city, and from time to time to adopt, alter, modify, or repeal, as they may deem expedient, any rules or regulations for the organization, government and instruction of said schools, for the reception of pupils, their transfer from one department to another, for their advancement from class to class, as their degrees of scholarship shall warrant, and generally for the promotion of the good order, prosperity and public utility of said schools; and to that end said board is hereby vested with the control and authority over all pupils attending the schools under its charge, both while in attendance, and in going to and returning from schools.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 69.

AN ACT to amend the forest, fish and game law, in relation to game protectors.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter two hundred and forty-seven of the laws of nineteen hundred and two and chapters two hundred and eighty-five and five hundred and eighty-eight of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 170. **Game protectors.**—The commission shall appoint sixty-five game protectors. One shall reside in each of the counties of Essex, Clinton, Franklin, Saint Lawrence, Jefferson, Lewis, Herkimer, Hamilton, Warren and Washington and the next eight protectors shall be appointed from said counties. The protectors and assistant protectors shall hold office during the pleasure of the commissioner and the commissioner shall from time to time designate from the protectors a chief game protector and a first, second and third assistant chief game protector, two oyster protectors, an assistant oyster protector and a protector for the Saint Lawrence river. The commissioner shall also appoint some proper person to be a special assistant oyster protector who shall reside in the borough of Manhattan, city of New York and shall have the same powers, duties and functions as the assistant oyster protector hereinbefore provided for. The chief game protector shall have general supervision and control of all protectors.

§ 2. This act shall take effect immediately.

Chap. 70.

AN ACT to authorize the city of Mount Vernon to issue and sell bonds for the purpose of paying its proportionate share of the costs and expenses incurred in constructing certain bridges between said city and the town of Pelham.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Mount Vernon is hereby authorized by resolution to issue and sell the bonds of said city upon its faith and credit and in its corporate name, to an amount not exceeding thirty thousand dollars par value, the proceeds of which shall be applied to the payment of the said city's proportionate share of the costs and expenses incurred in constructing certain bridges between said city and the town of Pelham, across the Hutchinson river.

§ 2. Said bonds shall be either registered or coupon, and be in such form as the common council may prescribe, shall be signed by the mayor and comptroller, under the corporate seal, shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and shall become due and payable in whole or in part at such time or times, not exceeding twenty years from their date, and shall be payable principal and interest at such place, as the common council shall determine; and they shall be sold upon sealed proposals upon such notice as the common council shall prescribe, to the highest and best bidder, provided, however, they shall not be sold for less than par and accrued interest. Said bonds shall contain a recital that they are issued pursuant to this act, which recital shall be conclusive evidence of their validity.

§ 3. Section five of the general municipal law shall not apply to the issuance of said bonds; but the common council is hereby authorized and required from year to year to levy an annual tax on all the taxable property of said city subject to taxation, sufficient in amount to pay the interest on such bonds as it accrues and to pay the principal at maturity.

§ 4. The proceeds of the sale of said bonds, together with any premium thereon, shall, after deducting the costs and expenses

of the sale, and expenses incidental thereto, be paid into the city treasury and credited to the Hutchinson river bridge fund of said city, and shall be applied to the payment of said city's proportionate share of the costs and expenses incurred in the construction of said bridges, and the said city is hereby required to pay such proportionate share in the proportion heretofore adjusted or which may hereafter be adjusted between said city and said town. The residue remaining after the payment of said costs and expenses shall be transferred into the sinking fund of said city.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect immediately.

Chap. 71.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon" relative to the compensation and duties of the clerk of the city court.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and two of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon" is hereby amended so as to read as follows:

§ 102. The clerk of the city court shall be appointed by the city judge, his appointment in writing to be filed with the city clerk, and shall hold his office during the pleasure of the city judge. The clerk of the city court shall also be clerk of the court of special sessions in the city of Mount Vernon. His salary shall be at the rate of one thousand dollars per annum, payable monthly.

§ 2. This act shall take effect immediately.

Chap. 72.

AN ACT to amend chapter three hundred and seventy-seven of the laws of eighteen hundred and seventy, entitled "An act supplementary to 'An act in relation to a public park in the city of Albany,'" and acts amendatory thereof, in relation to a sinking fund.

Became a law, March 15, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen of chapter three hundred and seventy-seven of the laws of eighteen hundred and seventy, entitled "An act supplementary to 'An act in relation to a public park in the city of Albany,'" as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and seventy-one, is hereby amended to read as follows:

§ 13. Payment of the interest on the bonds hereby authorized to be issued shall be provided for in the same manner as is the payment of interest on other city bonds. And to provide for the payment of the principal of said bonds as it falls due, there shall be annually raised, levied and collected by general tax in the manner provided by law a sum to be fixed by the board of estimate and apportionment of the city of Albany, and included in their annual estimate of the several sums of money which it deems necessary to be raised by tax to pay the expense of conducting the business of the city, and the various other purposes provided for by law, which sum shall not exceed two per centum of the whole amount of the principal of all the bonds that may have been issued and be then outstanding, and which shall constitute a sinking fund for the redemption of said bonds at maturity, and said sinking fund shall be held and managed by the city comptroller in the same manner as other sinking funds of the city.

§ 2. This act shall take effect immediately.

Chap. 73.

AN ACT to amend the forest, fish and game law, in relation to the sale of wall-eyed and yellow pike in cities containing one million or more inhabitants.

Became a law, March 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-seven of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forest, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter one hundred and forty-nine of the laws of nineteen hundred and three, and chapter three hundred and fourteen of the laws of nineteen hundred and five, is hereby amended* to read as follows:

§ 47. Pickerel and pike.—Pickerel and wall-eyed and yellow pike shall not be taken or possessed from March first to April thirtieth both inclusive, provided that during the close season any person may buy, possess or sell pickerel or pike taken without the state if such person shall have a license from the commission so to do issued after giving a bond to the people of the state, approved by the commission, conditioned for the payment of the sum of five hundred dollars if such person shall while the license is in force, buy, possess or sell any pickerel or pike taken within the state, or shall at any time refuse or deny to the commission or any member or officer thereof, a full examination of his books and papers relating to the purchase and sale of fish, or shall at any time when required by the commission, fail to furnish the original invoice or invoices, freight or express receipts used in the transportation thereof upon delivery to such person; and provided further that any person purchasing during the close season of a dealer giving such bond, may possess the same; and provided further that in all cities of this state containing one million or more inhabitants any person engaged in the sale of fish from a basket or push cart and all other retail dealers in fish who do not occupy shops or stores in the conduct of such business may obtain a license from the commission permitting such person to buy, possess or sell pickerel or pike taken without

* So in original.

the state, after depositing with the said commission the sum of ten dollars, and the signing of an agreement that said ten dollars, shall be forfeited if such person shall, while the license is in force, buy, possess or sell any pickerel or pike taken within the state, or shall at any time refuse or deny to the commission or any member or officer thereof a full examination of his books and papers relating to the purchase and sale of fish or shall at any time when required by the commission, fail to furnish the original invoice or invoices, freight or express receipts used in the transportation thereof upon delivery to such person, at the end of the close season the moneys so deposited shall be returned to the depositors forthwith except in the case of persons against whom complaints have been filed by the commission; and provided further that any person purchasing during the close season of a dealer making such deposit may possess the same. The commission may permit the taking or destruction of pickerel at any time in waters inhabited by trout. Wall-eyed and yellow pike, less than ten inches in length, shall not be taken or possessed in the counties of Oneida, Madison, Oswego and Onondaga, except in the waters of Lake Ontario.

§ 2. This act shall take effect immediately.

Chap. 74.

AN ACT to amend the county law, in relation to the expenses of county judge and surrogate.

Became a law, March 21, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision nine of section two hundred and thirty of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," is hereby amended to read as follows:

9. The moneys necessarily expended by any county officer in executing the duties of his office in cases in which no specific compensation for such services is provided by law, including in any county where the duties of county judge and surrogate are

performed by the same officer, except in the county of Herkimer, the actual and necessary expenses of such officer and his clerk, incurred in holding court, by authority of the board of supervisors, at a place or places other than the county seat or place of residence of such officer or clerk.

§ 2. This act shall take effect immediately.

Chap. 75.

AN ACT to supplement the provisions of law relating to the department of assessment and taxation of the city of Syracuse.

Became a law, March 21, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The assessors of the city of Syracuse shall perform all the duties and possess all the powers conferred and imposed upon assessors in the several towns of the state and shall also perform all the duties provided by law and specified herein in reference to the assessment of property for the purpose of levying taxes and assessments for local improvements imposed or which may be imposed according to law. They shall make an assessment roll for each ward. They shall complete the assessment rolls on or before the first day of August in each year and leave the same at their office. They shall thereupon give public notice by causing the same to be published once in each week for two successive weeks in each of the official papers of said city that the assessment rolls are completed and left at their office, where the same may be seen and examined by any person at any time during office hours for twenty days thereafter and that said assessors will attend during the time specified in such notice at their office to review their assessments in the same manner as assessors of towns of the state.

§ 2. At the end of twenty days they shall cease to correct and review said assessments and rolls, and shall within twenty days thereafter complete the same, annex thereto their certificate that the same are correct and deliver the same to the clerk of the common council. A duplicate of the roll of each ward shall

be delivered by said clerk to the supervisor of the ward to be by him delivered to the board of supervisors of the county of Onondaga. During the time the assessors are correcting and reviewing any tax or assessment, general or local, they shall have power to add or insert in said tax or assessment rolls any property liable to assessment, the assessment of which may have been omitted from such rolls, upon giving personal notice to the owner or agent of such property at least two days prior to adding the same.

§ 3. The board of supervisors of Onondaga county shall cause the taxes annually imposed for state and county purposes to be extended in the corrected tax and assessment rolls of each ward of the city of Syracuse by causing to be computed and set down in the last column thereof opposite the several sums set down as the valuation of real and personal property, the respective sums in dollars and cents to be paid as taxes thereon, rejecting the fractions of a cent. They shall cause to be annexed to said rolls proper warrants signed by the majority of said supervisors directing and requiring the treasurer of the city of Syracuse to collect from the several persons named therein the several sums mentioned in the last column opposite their respective names and to pay over the same to the county treasurer at the times and in the manner provided by law. They shall cause said rolls with said warrants annexed thereto to be delivered to the treasurer of the city of Syracuse on or before the fifteenth day of December in each and every year and it shall be the duty of said treasurer to receive all taxes paid thereon and pay over the same to the county treasurer as required by law. He shall retain said tax rolls and annexed warrants in his office until the first Tuesday of May next succeeding the delivery of said rolls to him at which time he shall return to the county treasurer of Onondaga county an account of all state and county taxes remaining unpaid in the manner and form required by law and pay over to the said county treasurer all moneys then remaining in his hands, received by him for said taxes. The treasurer of said city shall be entitled to collect, receive and retain for the use of said city one per centum on all state and county taxes received and collected by him in addition to the amount thereof as contained in said assessment rolls, as his fees for collecting the same. Said fees shall be the property of the city.

§ 4. Upon receiving said assessment rolls from the board of supervisors, the treasurer of said city shall give public notice

by causing the same to be published once in each week for two successive weeks in each of the official papers of said city of the receipt by him of such assessment rolls and warrants and that all persons mentioned therein are required to pay their state and county taxes at his office on or before the first day of February next ensuing; it shall be the duty of said treasurer to charge, receive and collect upon such taxes, in addition to the amount thereof, fees on the amount thereof as follows: During the period from said fifteenth day of December until the tenth day of January next ensuing, said one per centum; during the period from said tenth day of January until the first day of February next ensuing, three per centum; and on said first day of February five per centum fees shall be added to the tax and collected by him. It shall be the duty of said treasurer to charge, receive and collect upon such tax so remaining unpaid on and after said first day of February, interest upon the amount thereof at the rate of twelve per centum per annum, in addition to the five per centum fees aforesaid and the tax; said interest to be computed from the first day of February aforesaid to the date of the payment thereof.

§ 5. If any such state and county tax shall remain unpaid on the first day of February after the delivery of said assessment rolls and warrants, said treasurer shall thereupon cause a written or printed notice to be given to every person against whom such tax stands charged specifying the amount of said tax and the accrued fees thereon and requiring the same to be paid within fifteen days thereafter at his office. Such notice shall be served on the persons assessed by depositing in the postoffice at Syracuse a copy of such notice enclosed in a sealed wrapper, postage prepaid, directed to said persons respectively at Syracuse, New York. In case any person interested in any lands so assessed and upon which said taxes shall remain unpaid, shall, prior to said first day of February, have filed with said treasurer a memorandum describing and designating said lands by lot and block number and also by street number, if any, and stating the name, residence and postoffice address of such person, said treasurer shall also cause said notice to be served on said person by depositing in the postoffice at Syracuse a copy thereof, enclosed in a sealed wrapper, postage prepaid, and addressed to said person at the postoffice address contained in said memorandum, but a failure to give this notice shall not

affect the validity of any assessment or any proceeding taken to enforce the collection of the same. It shall not be necessary to make any other demand for payment of said taxes.

§ 6. On the fifteenth day of February thereafter it shall be the duty of the treasurer to proceed without delay to issue his warrants under his hand and seal of the city, to any marshal of the municipal court or to as many of them as he may deem necessary, who may be approved by the common council, commanding said officer or officers to levy the tax, together with the fees and interest thereon, by distress and sale of the goods and chattels of the persons upon whose real or personal property the tax was apportioned according to the said tax or assessment rolls or of any goods or chattels in their possession wheresoever the same may be found in the city of Syracuse or county of Onondaga and to pay the same to said treasurer and return such warrants on or before the first day of May in the same year; and no claim of property made to such goods and chattels shall be available to prevent the sale thereof except in such cases as are provided for by the general statutes of this state. Any such marshal shall give public notice of the time and place of sale and of the property to be sold at least five days previous thereto by advertisement to be posted in at least three public places in the ward or town where such sale shall be made. The sale shall be made by public auction and if the property shall be sold for more than the amount of the tax, fees and interest and the costs of such distress and sale the surplus shall be returned to the person entitled thereto.

§ 7. Whenever the city treasurer shall issue his warrant to any marshal of the municipal court of the city for the collection of any taxes remaining unpaid as provided in this act, said officer or officers to whom said warrants shall be delivered shall be entitled to receive the sum of five per centum upon the face of all taxes, exclusive of interest and fees, collected by him or them as and for his or their fees for such collection.

§ 8. The assessors shall assess to the several owners or occupants thereof and the common council shall levy an annual tax of five cents for each lineal foot of frontage thereof, upon all lands within the city adjoining or abutting upon any street in and along which any of the city water mains or distribution pipes are or hereafter may be laid, in all cases where no water rates have accrued or been paid to the water bureau during the calendar

year in which the assessment is made. Provided that in cases of such lands which are only partly occupied by buildings and which are not divided into lots separately assessed, the assessment shall be made upon the total frontage thereof after deducting therefrom one hundred feet for every such building whose owner or occupant pays water rates for city water consumed therein. Provided also that corner lots abutting upon more than one such street shall be taxed only for the shorter frontage thereof and the remaining frontage in excess of eight rods. As a basis for such assessment the commissioner of public works shall on or before the first day of June in each year furnish or cause to be furnished to the city assessors, a complete statement of all lands within the city adjoining or abutting upon any street in and along which any of the city water mains or distribution pipes are laid, upon which lands water rates have not accrued or been paid to the water bureau for the use of city water during said calendar year. In case at any time during the calendar year in which such assessment is made water rates shall be paid to the water bureau for the use of city water during said calendar year upon any lands assessed and taxed as above provided, the amount thereof shall be credited or rebated to the owner or occupant of such lands against whom such assessment was made, upon the rates so charged for the use of water, the amount taxed and paid in such calendar year, not exceeding the amount of such rates. Such tax shall be set down in a separate column of the general tax roll under the heading water tax, and shall be levied, corrected, enforced and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property assessed as the general city tax and as a part thereof. Such water tax, together with the fees and percentages thereon when collected, shall be deposited by the city treasurer to the credit of the water department fund, and shall be applied to the same uses and purposes as the revenue derived from the consumers of water. The city treasurer shall keep a separate account of the water taxes, and upon payment thereof by any taxpayer, shall issue a duplicate water tax receipt or coupon showing the amount of water tax paid, the property upon which the same was assessed, and the name of the person to whom the assessment was made, which receipt or coupon may be received by the water bureau and applied upon the payment of water rates or charges when so applicable. On or before the first day of

June of each and every year the commissioner of public works shall estimate and certify to the assessors the cost of all improvements for the sprinkling, watering and flushing of the streets of the city, incurred and to be incurred during the current fiscal year, under existing contracts therefor, including the expenses incidental and appertaining thereto, together with a statement of the streets, or parts thereof covered by said improvements. The cost of said improvements, as so certified, shall be apportioned, assessed and levied pro rata per linear foot of frontage upon the property adjoining and abutting upon said streets or parts thereof. The rate of said tax per linear foot of frontage for each said improvement shall be determined by said assessors, and in the preparation of the next assessment roll for the general city tax, the amount of such frontage tax upon each parcel of real estate affected thereby appearing in said rolls shall be computed by said assessors and set down opposite said parcel in a separate column of the general tax roll under the heading sprinkling tax, and the same shall be levied, corrected, enforced and collected in the same manner by the same proceedings and with the same force and effect, at the same time, under the same penalties and having the same lien upon the property assessed as the general city tax and as a part thereof. In case the amount estimated and assessed for any such improvement shall be insufficient or shall exceed the expense thereof, the amount of such deficiency or excess shall be taken into account and added or rebated in making any assessment upon the property affected for a like improvement during the succeeding year. The comptroller shall on or before the first day of June of each year report to the assessors the sum or sums properly chargeable against any parcel of property on account of repairs to or the construction of gutters or sidewalks or the incurring of any expenditure or obligation on the part of the commissioner of public works or commissioner of public safety, superintendent of building or health department, authorized by law, ordinance or regulation on account of and chargeable to such parcel, and the amount of any such charge or charges shall be apportioned and set down opposite said parcel in a separate column of the general tax roll under the heading "miscellaneous taxes" and the same shall be levied, corrected, enforced and collected in the same manner, with the same force and effect, at the same time, under the same penalties and having the same lien upon the property assessed as the general city tax

and as a part thereof. The amount of water, sprinkling and miscellaneous taxes authorized hereby shall not be counted as a part of the aggregate of the annual city tax levy authorized by law.

§ 9. All sums to be raised by general city tax in pursuance of this act shall be assessed and rated upon and among the owners of personal estate and the owners or occupants of real estate and the real estate named and specified in the corrected assessment rolls of the several wards ratably in proportion to the valuation therein stated. The common council shall cause the taxes annually imposed to be extended in the corrected tax or assessment rolls by causing to be computed and set down in a column thereof headed general city tax, opposite to the several sums set down as the valuation of real and personal property, the respective sums in dollars and cents to be paid as taxes thereon, rejecting the fractions of a cent. They shall thereupon cause to be annexed to said rolls the proper warrants of the city, signed by the mayor and countersigned by the city clerk, directing and requiring the city treasurer to collect, in the manner provided by law, from the several persons and parcels of property named therein, the several sums mentioned in the columns of said rolls under the headings, general city tax, water tax, sprinkling tax and miscellaneous taxes opposite the respective names or descriptions, and shall cause said rolls to be filed with the city clerk on or before the fifteenth day of September of each and every year. Said rolls when so filed shall constitute the general tax-roll of said city. The sums rated and assessed upon the property of each person and upon each parcel of property, respectively, in the columns of said tax-roll when corrected, completed and filed with the city clerk, shall be a lien on the real estate described therein, and shall remain such lien until paid. After the general tax-roll shall have been filed with the city clerk, he shall deliver the same, or true copies thereof, to the treasurer. He shall also forthwith cause a notice to be published in the official papers that the same is left with the treasurer for collection.

§ 10. Until the first day of November, thereafter, every such tax may be paid to said treasurer without any additional charges. If any such tax shall remain unpaid on the said first day of November it shall be the duty of said treasurer to charge, receive and collect upon such tax so remaining unpaid on that day, in addition to the amount of such tax, fees on the amount thereof,

as follows: During the twenty days next thereafter, one per centum; during the succeeding twenty days, two per centum; during the succeeding twenty days, four per centum; and thereafter until February first five per centum. It shall be the duty of the city treasurer to charge, receive and collect upon such tax so remaining unpaid on and after the first day of February thereafter, interest upon the amount thereof at the rate of twelve per centum per annum in addition to the five per centum fees aforesaid, and the tax; said interest to be calculated from the first day of February aforesaid to the date of the payment thereof.

§ 11. If any such tax shall remain uncollected on the first day of February thereafter the treasurer shall thereupon cause a written or printed notice to be given to the persons against whom such tax stands charged. The notice shall bear even date and shall require said persons to pay such unpaid tax to said treasurer at his office within fifteen days thereafter together with interest thereon at the rate of twelve per centum per annum to be computed from said first day of February preceding to the day of payment and the fee of five per centum referred to in the preceding section. Such notice shall be served on the person assessed by depositing in the postoffice at Syracuse a copy of such notice enclosed in a sealed wrapper, postage prepaid, directed to said person at Syracuse, New York. In case any person interested in any lands so assessed and upon which said taxes shall remain unpaid shall, prior to said first day of February, have filed with said treasurer a memorandum describing and designating such lands by lot and block number and also by street number, if any, and stating the name, residence and postoffice address of such person, said treasurer shall also cause said notice to be served on said person by depositing in the postoffice at Syracuse a copy thereof enclosed in a sealed wrapper, postage prepaid, addressed to said person at the postoffice address contained in said memorandum, but a failure to serve such notice by mail shall not affect the validity of such assessment or any proceeding taken to enforce the collection thereof. It shall not be necessary to make any other demand for payment of said taxes.

§ 12. At the expiration of the time mentioned in the last section it shall be the duty of the treasurer to proceed with the collection of the city taxes then remaining unpaid by distress and sale in the same manner as hereinbefore provided for the collection of county and state taxes, the conditions and provisions

of which said sections shall be applicable to the collection of city taxes except as herein otherwise provided.

§ 13. Whenever a local improvement shall be ordered by the common council, the expense of which is to be assessed locally other than as a part of the general city tax, the commissioner of public works shall submit to the common council his estimate of the total cost thereof, including the cost of inspection and all other expenses incidental to or connected with said improvement and the plans and specifications therefor, prepared by the city engineer, approved by said commissioner, and the common council shall thereupon consider the same and adopt suitable plans and specifications for the improvement, and shall estimate and determine the amount of money deemed by it necessary to be raised to defray the entire cost of such improvement including all expenses incidental thereto and connected therewith and shall direct the assessors to assess the same upon the property liable to assessment therefor in the form and manner provided by law. It shall thereupon be the duty of the assessors to assess the same upon the property liable to assessment therefor, as provided by law, without reference to erections or improvements thereon. They shall make out an assessment roll in which they shall briefly describe the several parcels of land assessed as nearly as practicable, and set down the amount in dollars and cents assessed on each parcel. It shall not be necessary to insert in said roll the name of any person as the owner or occupant of any parcel, but if the name of any party shall appear in the records of the assessors' office as the owner or occupant of any parcel the assessors may enter it upon the assessment roll, but their omission to do so or any error in connection therewith shall not affect the validity of any assessment or of any proceedings to enforce the collection of the same. On the first Monday of each month the assessors shall publish in the official papers of the city notice of the assessment rolls in their hands which have been completed. Such notice shall specify each such assessment by name and state that it will remain at the office of the assessors open to inspection, revision and correction for ten days from the date of the publication of said notice, and such rolls shall remain at the office of the assessors open to inspection, revision and correction during the period specified in said notice. On the application of any person conceiving himself aggrieved it shall be the duty of the assessors to hear and examine his complaint in relation to such assess-

ment and in their discretion revise and correct such rolls, and they shall have power to adjourn from time to time for such purpose. The assessors shall transmit a copy of the revised and corrected roll, with proof of the publication of said notice attached, to the corporation counsel. He shall thereupon examine the same as to the legality and regularity of the proceedings and if he shall determine the same to have been regular and according to law he shall annex his certificate accordingly to the roll and deliver the same to the city clerk; but if he shall determine the same to have been illegal or irregular, he shall annex his certificate accordingly to the roll, specifying in what the illegality or irregularity consists and transmit the same to the common council who may take such action thereon as the circumstances may require.

§ 14. Whenever an assessment roll shall be delivered to the city clerk, as provided in the preceding section he shall publish a notice in five successive numbers of each of the official papers (Sundays and legal holidays excepted) that the roll, naming it, is in his office and that objections to it may be filed with him within ten days from the date of the first publication of said notice. Any person having an interest as owner or otherwise in any property affected by such assessment may, within the time specified in said notice, file with the city clerk objections to said assessments and assessment roll, which objections shall be in writing subscribed and verified by the person objecting or his duly authorized agent or attorney. The city clerk may include several rolls in the same notice. If no objection shall be filed within said time the roll shall be deemed confirmed by lapse of time and the city clerk shall attach to it proof of publication of the notice required to be published, and his certificate that no objections have been filed with him within the time specified in said notice therefor and deliver the same to the city treasurer. The city clerk shall report to the common council the rolls that have been confirmed by lapse of time. If objections shall be filed to such roll the city clerk shall, at the first regular meeting of the common council, after the expiration of the time for filing objections, lay such roll and the objections filed thereto before the common council, which shall on that day or such other day or days as it shall appoint, consider such objections and confirm or annul the roll or refer it back to the assessors to revise or correct the same or to make a new assessment. Whenever an assessment shall have been annulled and sent back by the common council to the

assessors to make a new assessment they shall forthwith proceed to make a new assessment in the same manner as is provided for original assessments. Upon the confirmation of any roll the city clerk shall attach to it proof of publication of the notice required to be published by him and a certified copy of the ordinance confirming the same and deliver the roll to the city treasurer. The assessors may, pursuant to an ordinance directing the same, divide any assessment roll into two parts, to be designated and known as part one and part two, respectively, and either of said parts may, pursuant to ordinance directing it, remain in the hands of the city treasurer for such length of time as it shall direct, not exceeding six months, and then to be proceeded with pursuant to the provisions of this act. In all cases where the common council shall have power to order an assessment and such assessment shall for any reason be declared to be invalid the assessors shall forthwith proceed to make a new assessment for the work or improvement for which the invalid assessment was ordered in the same manner as is provided for original assessments, and in case of the failure of the assessors to make any such new assessment for a space of three months an action may be maintained against them to compel the performance of that duty, on the part of any citizen and the assessors shall be jointly and severally liable for the costs of such action. All lands within said city whether owned by the state or any membership or other corporation or association shall be liable for assessments for local improvements as herein specified and no lands shall be exempt therefrom. The city treasurer may maintain an action in his name of office against any person, corporation or association for the recovery of the amount of any assessment for a local improvement, heretofore or hereafter assessed or levied, together with the interest, fees and expenses thereon as herein provided and the costs of the action in any court, at any time after the same shall become due and payable as provided herein, notwithstanding that the time limited by law in which any such action should be commenced has expired. Every assessment for a local improvement shall be and become a lien upon the property assessed upon the date of the first publication by the treasurer of the notice that he has received the roll containing such assessment and shall remain a lien thereon until fully paid.

§ 15. Upon the delivery to him of an assessment roll for a local improvement the city treasurer shall enter the name of the

same and the total amount thereof in his books. He shall publish a notice in each of the official papers stating that the assessment roll, naming and describing it, has been received by him and that it will be held by him two weeks after which he will proceed with the collection thereof. After the expiration of said two weeks, he shall proceed as hereinafter directed, unless in the meantime, notice has been served on him, pursuant to law, that an action or proceeding has been commenced to test the validity or legality thereof, in which case he shall hold the said assessment roll for two additional weeks, and shall, after the expiration of said additional time, proceed as hereinafter directed, unless the court or the common council shall order him to return the said assessment roll to the common council, or to hold the same, or the proceedings to collect or enforce the collection of the assessments thereunder are stayed by the court. At the expiration of said period the validity of all assessments on any such roll except such as shall be involved in any such action or proceeding shall be deemed to be conclusively established and no action or proceeding shall be thereafter commenced or maintained to review or in any manner question the validity of the same. If said assessment roll shall not be so returned to the common council or ordered held or the proceedings to collect or enforce the collection of the assessments thereunder shall not be so stayed, the treasurer shall give notice of such fact to the city clerk, whereupon proposals for the performance of the work involved in the improvement may be advertised for and the contract for the improvement for which said assessment was made may be entered into and executed by the proper officers. Upon receipt of notice of the execution of such contract, the city treasurer shall thereupon publish a notice in five successive numbers (exclusive of Sundays and legal holidays) of each of the official papers that the roll, naming it, is in his hands, and that any assessment therein may be paid to him at any time before the expiration of ten days from the first publication of the notice without any addition. The said treasurer shall receive the taxes on said assessment roll for the first ten days without fee; for ten days thereafter at one per centum fee; for the next twenty days at two per centum fee; for the succeeding twenty days at three per centum fee; and for the succeeding thirty days at five per centum fee. If any taxes remain unpaid at the expiration of said ninety days the said treasurer shall proceed to collect the same with the fees thereon and

interest from said date upon the amount of said taxes and fees in addition thereto at the rate of twelve per centum per annum. Said taxes shall thereupon be collected and the collection thereof shall be enforced in the same manner, with the same force and effect, by the same actions, proceedings, and sale of lands assessed, under the same penalties, subject to the same additions for expenses and having the same lien upon the property assessed as is herein provided for the enforcement of the collection of a general city tax.

§ 16. In case local improvement bonds shall have been authorized or issued for the purpose of defraying the expense of the improvement on account of which any such assessment shall have been made any tax assessed thereunder may be paid in ten equal annual installments, the first installment to become due and payable at the time or times and subject to the penalties above specified, and one installment, together with interest on all sums unpaid, at the rate of five per centum per annum, to become due and payable on the same day of the month annually thereafter until the whole amount thereof has been paid, subject to the same penalties and provisions, provided, however, that in the case of any default in the payment of any installment within sixty days after the same becomes due and payable, as above provided, the whole amount unpaid of the tax so assessed, default in payment of which has been made, with the fees above mentioned, computed on such whole amount, shall thereupon become due and payable, and the treasurer shall proceed to enforce the collection of the same with the fees and interest thereon at the rate of twelve per centum per annum, in the manner herein provided.

§ 17. All warrants issued by the treasurer to any marshal of the municipal court for the collection of any tax or assessment shall bear uniform date and shall be returnable and be returned to the treasurer on or before the first day of May in the same year. If a tax exceeding ten dollars in amount, levied against any person is returned by any such marshal uncollected for want of personal property out of which to collect the same, the treasurer, or his successor in office, may, in the name of the city, institute against such person proceedings supplementary to execution, as upon a judgment docketed in such county, for the purpose of collecting such tax, accumulated fees and interest, and the same proceedings, in all respects for the collection of such tax, fees and interest shall be had as for the collection of a judgment by pro-

ceedings supplementary to execution thereon against a natural person, and the same costs and disbursements may be allowed against the person examined as in such supplementary proceedings, but none shall be allowed against the city. The corporation counsel shall act as counsel to any officer acting under the warrant of the treasurer, and, as counsel for the treasurer, he shall be charged with the duty of prosecuting all actions and proceedings instituted by or under authority of the treasurer.

§ 18. In case any taxes or assessments remain unpaid after the first day of May next succeeding the return of said warrants, or in case any state and county taxes mentioned in this act remain unpaid, after the proceedings mentioned in section six shall have been taken, the list of all the unpaid taxes on all the rolls, both city and county, including the rolls for local improvement assessments during the year then next preceding, shall be delivered by the treasurer to the assessors of the city, who made the original assessments, and they, or any two of them, shall immediately review such assessments and correct all errors, of every description, which may have been made, either in the original assessments or subsequent proceedings, and shall make correct and full descriptions of the several parcels of land. They shall also have power to insert in such revised roll any real estate in the city, which may have been omitted in the original rolls, upon giving two days personal notice thereof to the owner or agent of such property. They may add to said roll, with proper corrections, any unpaid assessments for local improvements assessed during the then next preceding year.

§ 19. The assessors shall complete such revision within ten days and a majority of them shall subscribe to the same. They shall thereupon give public notice that they will meet at their office at the end of ten days to be designated by them to hear objections and correct any errors which may have been made. Such notice shall be given by causing a copy thereof to be published twice in each of the official papers of the city, which publication shall be completed at least five days prior to the expiration of said period. They shall within said period of ten days complete such correction and revision and the majority of them shall subscribe the same and deliver the corrected roll to the treasurer. The treasurer shall add to said roll the amount of taxes assessed against the several persons or parcels of land designating the county and state taxes separately from the others.

The said treasurer shall thereupon file a certified copy of all such unpaid state and county taxes, city taxes and assessments for local improvements, appearing upon the several tax and assessment-rolls, in the office of the county clerk.

§ 20. It shall be the duty of the treasurer of said city in each year immediately after the corrected list of unpaid city taxes and assessments for local improvements shall have been filed by him in the office of the clerk of Onondaga county as hereinbefore provided to make and retain in his office a copy thereof, adding to each one of such unpaid city taxes and assessments for local improvements the sum of twenty-five cents for filing and one dollar for reassessing the same in addition to the accrued fees, interest and expenses thereon hereinbefore specified. He shall also be entitled to receive and collect from the county treasurer of Onondaga county the sum of fifty cents for each unpaid state and county tax so filed by him, for reassessing and filing the same.

§ 21. The said treasurer shall thereupon proceed to collect all such unpaid city taxes and assessments as follows: Whenever any tax or assessment charged on real estate in said city, except such as shall be owned by the state, and the interest, fees and expenses thereon shall remain unpaid for six months from said first day of January next succeeding the assessment and levying of such tax, including the taxes and local assessments of any previous year, which for any reason were not realized in cash by sale of the real estate charged with such tax on the occasion of any previous annual tax sale, the treasurer shall proceed to advertise and sell such real estate in the manner hereinafter provided for the payment of such taxes, fees, interest and expenses and the expense of advertising and selling the same; the expense of any previous advertisement of sale of said premises for taxes, where said premises were for any reason not sold, shall be charged on the land sold and shall be added to and made a part of such tax. He shall include in such advertisement and sale all lands then liable to be sold for nonpayment of unpaid local assessments.

§ 22. The said treasurer shall, immediately after the expiration of such six months, cause to be published twice in each week for three weeks in the official papers of the city, a list, or statement of the real estate charged with the payment of such taxes and assessments, with accrued fees, interest and expenses, liable to be sold and also a notice that the said real estate will, on a

day subsequent to the expiration of such three weeks to be specified in such notice, and the succeeding days, be sold at public auction at the city hall in the city of Syracuse to pay the taxes, interest, fees, expenses and charges thereon which may remain unpaid at the time of such sale. The expense of publishing such list and notices shall not exceed the sum of one dollar to each newspaper for each parcel of land so advertised. Proof of the due publication of such list and notice in each newspaper shall, within twenty days after the last publication thereof, be made, filed and recorded in the office of the county clerk of Onondaga county, who shall cause the same to be properly indexed. The expense of publishing said list and statement and the fees of the county clerk for filing, recording and indexing the proof of publication thereof shall be added to and included in the other expenses chargeable to the several parcels of real estate to be sold. No error or imperfection in any list made up or published shall render any sale void or in any manner affect its validity. On the day of sale named in said notice the said treasurer shall commence the sale of said real estate and shall continue such sale from day to day until the whole thereof shall be sold. It shall be the duty of the treasurer to bid in for the city all parcels of real estate at such sale which shall not be purchased by any other person at a rate sufficient to pay the taxes for which the land is to be sold with all the accrued interest; additions, charges, fees and expenses. It shall be his duty to bid in for the city all lands which have been bid in for the city at any prior tax sale and which have not been duly redeemed or the certificates of sale for which have not been sold or assigned. The treasurer shall make certificates of sale for all lands so bid in by him for the city, describing the lands purchased and specifying the time when a deed therefor can be obtained. Such purchases shall be subject to the same right of redemption as purchases by individuals; and if the lands so sold shall not be redeemed the treasurer's deed therefor shall have the same effect and become absolute in the same time and on the performance of like conditions as in the case of sales and conveyances to individuals. The treasurer may sell and assign any certificate of sale of lands bid in for the city at any time before the expiration of the period of redemption upon payment to him of the amount named in said certificate, with interest thereon to the date of such payment. If any such tax sale or certificate shall not have been sold or assigned prior to the expiration of the

period of redemption, the treasurer, or his successor in office, shall issue to the city of Syracuse a deed or deeds for all of the lands described therein remaining unredeemed. The lands thus acquired may be disposed of by said city in its name, by such officer and upon such terms as shall be determined by ordinance of the common council approved by the board of estimate and apportionment.

§ 23. The purchasers at such sale shall pay the amount of their respective bids to the said treasurer within forty-eight hours after the sale, and thereupon the said treasurer shall execute and deliver to each of said purchasers a certificate in writing which shall contain a description of the real estate purchased, the amount paid therefor, the date of the sale, that the same was sold for unpaid city taxes or assessments for local improvements, and the time when the purchaser will be entitled to a deed. Every such certificate shall be presumptive evidence that the sale and all proceedings prior thereto, from and including the assessment of the lands, were regular and according to the provisions of this act and all laws in any manner relating thereto. Such purchaser and his legal representatives or assigns may immediately upon receiving such certificate, by virtue thereof and of this act lawfully possess, hold and enjoy for his and their own proper use and benefit, and the use and benefit of his and their heirs and assigns forever, the real estate described in said certificate, unless the same shall be redeemed as hereinafter provided; and he and his heirs and assigns may at any time after the expiration of the time to redeem such premises, if the same shall not have been redeemed as hereinafter provided, cause the occupant of such real estate to be removed therefrom, and the possession thereof to be delivered to him, in the same manner, and by the same proceedings by and before the same officers as in the case of a tenant holding over after the expiration of his term, without permission of his landlord.

§ 24. The owner, occupant or any other person at any time within two years after the last date of such sale, and the holder of any mortgage on any such real estate, heretofore or hereafter sold for nonpayment of taxes as aforesaid, at any time prior to the expiration of one year after the recording of the treasurer's conveyance thereof may redeem the same by paying to said treasurer for the use of the purchaser upon such sale, his heirs and assigns, the sum mentioned in his certificate of sale and the interest

thereon at the rate of twelve per centum per annum, to be calculated from the date of such certificate, together with the amount of all taxes and assessments thereon paid by him subsequent to the date of such certificate, and prior to such redemption, a statement of which shall have been filed with the treasurer. The holder of any mortgage on real estate sold for taxes shall have a lien upon the premises redeemed for the amount so paid with interest from the time of payment, in like manner as if it had been included in the mortgage. Any person may redeem a specific part of or interest in any tract, lot or piece of land so sold by paying such proportion of the purchase money and interest as his part or interest in said land shall bear to the whole quantity sold or taxed. Upon such partial redemption the quantity sold shall be reduced in proportion to the amount paid on such partial redemption and the treasurer shall convey accordingly. When any real estate shall have been redeemed as herein provided the treasurer, or his successor in office, shall issue to the person redeeming the same a certificate of redemption, under his hand and seal, properly acknowledged, which shall contain a description of the tax and the property affected. Such certificate of redemption may be recorded in the same manner as a deed and with like effect, and when so recorded shall operate to render void and of no effect and cancel of record the certificate of sale and conveyance and any and all transfers and conveyances derived from, through or under any purchaser at any such sale.

§ 25. The treasurer shall, at least two months before the expiration of the two years allowed for the redemption of lands sold by him for taxes, cause a notice to be published twice in each week for three successive weeks, the last publication to be at least three weeks before the expiration of the time to redeem, in each of the official papers of said city containing a list of the lands in such city sold for taxes and unredeemed, specifying particularly every parcel unredeemed and the amount necessary to redeem the same calculated to the last day in which such redemption can be made, and stating that unless such lands are redeemed by a specified day they will be conveyed to the purchaser. He shall also at least thirty days prior to the expiration of said two years cause a notice in like form to be served upon any person interested in any lands so sold and unredeemed, who prior thereto, shall have filed with said treasurer a memorandum describing and designating such lands by lot and block number and also by street number,

if any, and stating the name, residence and postoffice address of the person claiming notice, by depositing in the postoffice at Syracuse a copy of such notice enclosed in a sealed wrapper, postage prepaid, addressed to such person at the postoffice address contained in said memorandum, but failure to serve said notice shall not affect the validity of any assessment or any proceeding taken to enforce the collection thereof or certificate of conveyance based thereon. Proof by affidavit of the due publication and service of such notice shall, within twenty days thereafter, be made, filed and recorded in the office of the clerk of Onondaga county, who shall cause the same to be properly indexed, and when so filed and recorded such affidavit or a certified copy or transcript of the record thereof shall be and become conclusive evidence of the fact of the due publication and service of said notice. The expense of such publication and service and the county clerk's fees for filing, recording and indexing the proof thereof shall be added to and become a part of the amount required to be paid for the redemption of such real estate. Until said notice of expiration of time to redeem shall have been published and served as herein provided, the time to redeem shall not be deemed to have expired. No error, irregularity or imperfection in said notice as published or served or in the publication or service thereof shall in any way affect the sufficiency or validity of such notice or that of any subsequent proceeding or conveyance based thereon. No other, further or different notice of the expiration of the time to redeem shall be required to be published, served, or given.

§ 26. If upon any such sale, any piece of land be sold for more than the amount then due for the tax, fees, interest and expenses including the expense of advertising, the certificate delivered to the purchaser shall draw interest at the rate aforesaid only upon the amount so due and no interest upon any excess over such amount.

§ 27. If such real estate, or any part thereof, be not redeemed as herein provided, the said treasurer, or his successor in office, shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, and unredeemed, which conveyance shall vest in the grantee an absolute estate in fee, free from all liens, claims, demands and encumbrances of every name and nature whatsoever, subject only to such claims as the county of Onondaga or the city of Syracuse may have thereon for taxes or the state may have on account of loans made or mortgages held by com-

missioners for loaning certain moneys of the United States of the county of Onondaga. The said treasurer shall be entitled to demand and receive from every such grantee, for the use of the city, the sum of one dollar for preparing every such conveyance. Every such conveyance shall be executed by said treasurer under his hand and seal of said city, and the execution thereof shall be acknowledged before a proper officer, the same as other conveyances of real estate are acknowledged under the laws of this state, and such conveyance shall be conclusive evidence that the sale was regular, and presumptive evidence that all the proceedings prior and subsequent to such sale, from and including the assessment of the lands, and all notices required by law to be given, published, or served previous to the expiration of the time allowed for redemption were regular and regularly given, published and served according to the provisions of this act and all laws directing and requiring the same or in any manner relating thereto. After the date of the recording of any such conveyance, such presumption shall be conclusive, the sale and conveyance thereof shall become absolute, and the occupant and all others interested in the lands shall, subject only to the right of the holder of a mortgage to redeem, as hereinbefore provided, thereupon be forever barred from all liens upon, claims against, interest in, or right or title thereto. Every certificate or conveyance executed in pursuance of this act may be recorded in the same manner and with like effect as a deed acknowledged or proved before any officer authorized by law to take the proof and acknowledgment of deeds.

§ 28. Whenever the grantee under the treasurer's conveyance, or his heirs or assigns, shall be unable to recover or retain possession of any real estate sold to him by reason of any jurisdictional defect, irregularity or error in the assessment of any person or property or the levying of any tax thereon or in any proceeding for the collection of any tax, the city shall reimburse the purchase money so paid with interest at six per centum per annum from the time of its payment; application and claim therefor to be made and presented to the comptroller, by verified petition, and account stating the facts constituting the claim, and audited and paid in the same manner as other city charges. Upon application being made and satisfactory proof being furnished to the treasurer that any tax returned as unpaid has been paid to an officer authorized to receive the same, or that the property has

been assessed twice for the same purpose and that the tax thereon once paid the treasurer shall cancel said tax and any certificate of sale and conveyance based thereon. Upon the presentation to and audit by the comptroller of a duly verified account and claim therefor, the city shall refund the amount of purchase money, with interest thereon at the rate of six per centum per annum, to the holder of any canceled certificate of sale or conveyance based on a tax which shall have been canceled, or to the heirs, legal representatives or assigns of any such purchaser, and his or their interest in or title to the land so sold shall thereupon become extinguished. He shall thereupon issue to any applicant having an interest in such property a certificate of cancellation under his hand and seal, properly acknowledged, which shall contain a description of the tax and the property affected. Such certificate of cancellation may be recorded in the same manner as a deed, and with like effect and when so recorded shall operate to render void and of no effect any and all transfers and conveyances derived from, through, or under any purchaser at such sale. No assessment, heretofore or hereafter made, for any purpose, or taxes levied thereon, shall be void or be vacated, nor the sale of property or treasurer's certificate of sale or conveyance therefor be adjudged invalid or illegal, nor the validity of any such assessment, certificate of sale or conveyance be in any manner affected by any act, error, irregularity, omission or illegality, not actually fraudulent, in any of the proceedings required to be had or taken as preliminary to or in the making of the assessment, or the levying or collection of said tax, or in relation to any contract, work or improvement for which such assessment was made.

§ 29. Whenever any tax or assessment levied or assessed upon any person or property in the city of Syracuse with the fees, interest and expenses which may by law be added thereto shall remain unpaid for six months after the warrant for its collection has been placed in the hands of the treasurer of said city the said treasurer may maintain an action in his name of office for and on behalf of said city to recover the amount of such tax, interest, fees and expenses remaining unpaid and uncollected against any person liable for such tax or the personal representatives or successor in interest respectively of such person, in any court of competent jurisdiction in which the proceedings, costs and judgments shall be the same and with like effect as in actions

between other public officers and individuals and the amount collected by any such suit shall be used and applied by said treasurer in the same manner as though the same had been collected by the sale of real estate. Nothing in this section contained shall be construed in any manner to restrict or abridge any power otherwise possessed by any officer for the collection of taxes in said city.

§ 30. Whenever there is manifest error in copying any assessment roll or in levying or extending any tax or assessment, the common council may at any time within six months after the completion of such assessment roll correct, cancel, remit and add to the same but shall have no power to alter any valuation made by the assessors nor shall such corrected assessment, if greater than the original assessment be a lien on the real estate for the amount added as against bona fide purchasers or mortgagees in good faith.

§ 31. In case any tax or assessment shall be declared void or have failed for want of jurisdiction or for any error, irregularity, omission or illegality in the assessment, levying, or collection thereof, it shall be the duty of the comptroller to certify that fact to the common council and the common council shall have the power and it shall be their duty to forthwith cause the same to be reassessed in a proper manner; if any person shall have paid on the former assessment, the same shall be credited, or in case the payment exceed the amount reassessed, the surplus shall be refunded. Whenever the amount assessed for any local improvement shall exceed the cost of the improvement, the assessors shall declare a rebate and the excess shall be refunded to the persons who paid their assessments. In case any amount assessed for a local improvement at any time shall be insufficient to defray the expense of such improvement, the comptroller shall certify the amount of the deficiency to the common council and the common council shall forthwith cause to be assessed and levied the amount which the expense of such improvement exceeds the amount first assessed, to be assessed, levied and collected in like manner as other assessments of a like nature. In case the common council shall fail to comply with the provisions of this section it shall be the duty of the corporation counsel, in the name of the city, to compel compliance therewith by mandamus.

§ 32. No action or proceeding to set aside, vacate, cancel, annul, review, reduce or otherwise question, test or affect the

legality or validity of any assessment for a local improvement, hereafter made, shall be maintained unless notice of intention to commence the same shall be served upon the city treasurer and corporation counsel within two weeks after the receipt of the assessment roll by the city treasurer and publication of the notice that such roll has been received by him, nor unless such action or proceeding shall be commenced within four weeks after the publication of said notice. No such action shall be maintained on account of any such assessment heretofore made, the assessment roll for which has been delivered to the city treasurer and notice of its receipt by him has been published, unless the same shall be commenced within three months after the passage of this act. A proceeding may be instituted, as hereinafter provided, to secure the modification and reduction of an assessment on account of fraud or substantial error occurring in the performance of the work of the improvement on account of which such assessment is made at any time within thirty days after this act shall take effect or within thirty days after the completion of the work of such improvement, but no such proceeding shall be maintained unless a notice, in writing, stating the facts upon which it is based, shall have been served upon the commissioner of public works, and in the determination thereof only matters subsequent to the service of said notice and referred to therein shall be considered. No action or proceeding shall be maintained to recover back moneys hereafter paid on account of any such assessment unless the same shall be commenced within six months after such payment and no such action shall be maintained to recover back moneys heretofore paid on account of any such assessment unless the same shall be commenced within six months after the passage of this act.

§ 33. No assessment heretofore made or imposed, or which shall hereafter be made or imposed for any local improvement or other public work, already completed or now being made or performed, or which may hereafter be made, done, or performed, shall hereafter be vacated, set aside, canceled, annulled, reviewed, or otherwise questioned or affected for or by reason of any omission to advertise, or irregularity in advertising any ordinance, resolution, notice, or other proceeding relative to, or authorizing the improvement or work for which such assessment shall have been made or imposed, or for proposals to do the work or in the designation of materials, or award or execution of contract, or in the

collection of the tax or for failure to give or serve any notice required to be given or served relative thereto or in connection therewith, and all property in said city benefited by any improvement or other public work already completed, or now being made or performed, or hereafter made, done, or performed, shall be liable to assessment for such improvement or other public work, and all assessments, heretofore or hereafter made, for any such improvement or other public work, shall be valid and binding notwithstanding any such omission, irregularity, defect in authority, or technicality. No assessment shall be vacated by reason of fraud or irregularity in the proceedings to collect the same by sale of the assessed premises; but, upon proof of such fraud or irregularity, such sale may be set aside and the respective rights and liabilities of the assessed person and of the city of Syracuse shall become and be the same as if such sale had not been made.

§ 34. No action or proceeding to set aside, vacate, cancel, annul, review, reduce or otherwise question, test or affect the legality or validity of any assessment for a local improvement shall be maintained nor shall the legality or validity thereof be subject to question except in an action or proceeding brought for that purpose as herein provided. If in the proceedings relative to any such assessment entire absence of jurisdiction on the part of the common council to order the improvement on account of which the assessment was made or any fraud or substantial error, other than such errors or irregularities as are specified in the preceding section, are alleged to have existed or to have been committed, any party, or parties aggrieved thereby who shall have filed objections thereto within the time hereinbefore specified and limited therefor may apply to the supreme court, at any special term thereof held within the judicial district in which said city is situated, for an order vacating or modifying such assessment as to the lands in which he or they have an interest, upon the grounds in said objections specified, and no other, upon due notice of such application to the corporation counsel. Such court may proceed to hear the proofs and allegations of the parties and determine the same, or may appoint a referee to take the proof and report the same, or to hear, try and determine the same. If it shall be determined that there was total want of jurisdiction on the part of the common council to order the improvement on account of which the assessment was made the court may order such assessment as to such party or parties to be vacated.

If it shall be determined that the common council had jurisdiction to order the improvement and that any such fraud or error has been committed and that the party or parties applying for such relief has or have suffered substantial damage by reason thereof the court may order that said assessment be modified, as provided herein, as to such party or parties and as so modified it be confirmed. A like application may be made to secure a modification or reduction of any such assessment on account of fraud or such substantial error occurring in the performance of the work of the improvement on account of which such assessment is made, and shall be determined in like manner. If in any such proceeding it shall be determined that fraud or any such substantial error has been committed by reason of which the expense of any local improvement upon the lands of any such aggrieved party has been unlawfully increased the court may order that such assessment be modified by deducting therefrom such amount as is in the same proportion to such assessment as is the whole amount of such unlawful increase is* to the whole amount of the expense of such local improvement. An order so made in any such proceeding shall be entered in the clerk's office of Onondaga county and shall have the same force and effect as a judgment. The court may during the pendency of any such proceeding stay the collection of any assessment involved therein as against the parties to such proceeding. Costs and disbursements of any such proceeding may be allowed in the discretion of the court. No appeal shall be allowed or taken from the order made in any such proceeding but the determination so made therein shall be final and conclusive upon all parties thereto.

§ 35. No court shall cancel, annul or vacate any such assessment on any property for any local improvement except for total want of jurisdiction on the part of the common council to order the improvement on account of which the assessment was made nor to modify any such assessment otherwise than to reduce it to the extent that the same may be shown by parties complaining thereof to have been in fact increased in dollars and cents by reason of fraud or substantial error. In no event shall that proportion of any such assessment which is the equivalent of the fair value or fair cost of any local improvement, with interest at the rate of five per centum per annum from the date of the delivery of the assessment roll therefor to the city treasurer to the date of the final order of modification and twelve per centum

* So in original.

thereafter, be disturbed for any cause. The provisions of this section shall apply to actions to recover money paid for assessments, and the amount recovered shall be limited to the excess over the fair value or fair cost of the improvement.

§ 36. Any lands which may be discharged from the lien of any assessment or as to which a sale for nonpayment of any such assessment may be vacated or set aside may be again assessed in the manner provided by law for such amount as would have been justly chargeable if fraud, error or irregularity had not been committed, and the amount so assessed shall be a lien upon said lands until paid, and shall be collectible in the manner provided by law for the collection of assessments.

§ 37. Any unpaid city tax, except a franchise tax, assessed prior to the year nineteen hundred and three, or assessment for a local improvement made prior to eighteen hundred and ninety-five, and tax-sales certificates issued thereon, on account of which bonds were issued under and pursuant to the provisions of chapter seventy-three of the laws of nineteen hundred and four and all claims and demands on account thereof may be settled and compromised for less than the full amount thereof with accrued fees, penalties, interest and expenses, by the treasurer, upon the recommendation, in writing, of the corporation counsel, approved by the board of estimate and apportionment, and upon payment being made in accordance with the terms of such settlement, the same shall be received in full accord and satisfaction of all claims and demands on account thereof, and thereupon the treasurer shall execute a full discharge of any such tax or assessment and cancel any certificate issued under any sale therefor.

§ 38. The limitations of the code of civil procedure, relative to the limitation of time of enforcing a civil remedy, shall not apply to any proceeding or action taken to levy, assess, appraise, determine or enforce the collection of any tax or penalty mentioned in this article.

§ 39. The word person as used in this act shall be deemed to include all persons, firms, corporations and associations. Whenever the word street or the plural thereof is used in this act it shall be deemed to include all that is included by the terms: street, road, boulevard, concourse, highway, lane, alley, square and public place or the plurals thereof respectively. The term tax shall in all proper cases be deemed to include water rents or rates, assessment, ~~assessment~~ or reassessment for local improvement.

§ 40. This act is intended to be and shall be deemed and held in all courts and jurisdictions to be a public act, of which the courts shall take judicial notice. This act shall be construed not as an act in derogation of the powers of the state but as one intended to aid the state in the execution of its duties, and shall be liberally construed so as to carry into effect the objects and purposes hereof.

§ 41. The repeal of a law, or any part of it, specified in the annexed schedule, or otherwise, by the provisions of this act, shall not affect or impair any act done or right accruing, accrued or acquired, or penalty, forfeiture or punishment incurred prior to the time when this act takes effect under or by virtue of the law so repealed, but the same may be asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such law had not been repealed; and all actions or proceedings, civil or criminal, commenced under or by virtue of any law so repealed and pending when this act takes effect, may be prosecuted and defended to final effect in the same manner as they might under any such law so repealed, unless it shall be otherwise specially provided herein.

§ 42. The provisions of this act, so far as they are substantially the same, or cover the same subject matter, as those of any law repealed hereby, shall be construed as a continuance of such repealed law, modified or amended, according to the language employed herein and not as new enactments. References in a law not repealed to the provisions of any law incorporated into this act or repealed, shall be construed as applying to the provisions so incorporated. The meaning and effect of the terms and language used herein shall be construed in accordance with the provisions of the statutory construction law. Nothing in this act shall be construed to amend or repeal any provision of the penal or criminal code, nor to affect any assessments for local improvements heretofore or hereafter levied against state property for local improvements in said city, nor to repeal or modify any of the provisions of section twenty of the public lands law.

§ 43. The following acts and parts of acts are hereby repealed:

1. Of the laws enumerated in the schedule annexed, that portion thereof specified in the last column.
2. All acts or parts of acts, in so far as inconsistent with the provisions of this act.

But such repeal shall not revive a law repealed by any law hereby repealed, but shall include all laws purporting to specifically amend any of the laws hereby specifically repealed.

§ 44. This act shall take effect immediately.

SCHEDULE OF LAWS REPEALED.

| Laws of | Chapter. | Sections. |
|-----------|----------|-----------|
| 1887..... | 368..... | §§ 8-11. |
| 1888..... | 449..... | § 8. |
| 1889..... | 475..... | §§ 15-20. |
| 1891..... | 376..... | §§ 1-3. |
| 1893..... | 531..... | §§ 12-16. |
| 1894..... | 636..... | All. |
| 1895..... | 822..... | §§ 3-6. |
| 1895..... | 935..... | All. |
| 1895..... | 950..... | §§ 6-9. |
| 1896..... | 605..... | All. |
| 1898..... | 273..... | All. |
| 1898..... | 285..... | All. |
| 1898..... | 286..... | All. |
| 1899..... | 456..... | All. |
| 1902..... | 350..... | All. |
| 1904..... | 72..... | § 1. |
| 1904..... | 140..... | All. |

Chap. 76.

AN ACT to amend chapter one hundred and ninety-four of the laws of nineteen hundred, entitled "An act to make the office of supervisor of Montgomery county a salaried office, and fixing the compensation of the clerk of the board of supervisors," in respect to the sessions of said board, the time and manner of auditing claims against said county, and the compensation of the clerk of said board.

Became a law, March 21, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter one hundred and ninety-four of the laws of nineteen hundred, entitled "An act to make the office of supervisor of Montgomery county a salaried office, and fixing the compensation of the clerk of the board of supervisors," is hereby amended to read as follows:

Section 1. The board of supervisors of the county of Mont-

gomery shall hereafter meet on the second Tuesday in January of each year for the purpose of organization and for the transaction of such other business as may come before it; said board may after the passage of this act, enact local laws or rules providing for other and additional regular meetings of said board, at which claims against the county of Montgomery may be audited and paid. Each supervisor elected or appointed for a town or ward of a city in the county of Montgomery shall receive an annual salary of five hundred dollars. No other compensation, fee, charge or allowance of any kind shall be made to a supervisor for his services or expenses as supervisor or county canvasser. Each supervisor shall render to the board of supervisors at its annual meeting a verified account of the number of days he has been engaged in the service of his town or ward and the amount allowed by law for such services. The board of supervisors shall audit the account so presented and cause the same to be assessed and levied against the town or city in which the supervisor presenting such account resides. Such charge shall be paid by such town or city in the same manner as other town or city charges are paid. The amount so audited and charged against a town or city shall be deducted from the sum of five hundred dollars, and the remainder shall be a county charge.

§ 2. Section two of said chapter is hereby amended to read as follows:

§ 2. The clerk of the board of supervisors of Montgomery county shall receive an annual salary of six hundred dollars. No other compensation, fee, charge or allowance of any kind shall be made or allowed to such clerk.

§ 3. This act shall take effect immediately.

Chap. 77.

AN ACT to amend the code of civil procedure, relative to fees of grand and trial jurors in certain counties.

Became a law, March 21, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three thousand three hundred and fourteen of the code of civil procedure is hereby amended to read as follows:

§ 3314. Supervisors may make allowance to grand and trial jurors. — In the counties within the city of New York the board of aldermen, and in any other county the board of supervisors, may direct that a sum, not exceeding two dollars in addition to the fees prescribed in the last section, or in any other statutory provision be allowed to each grand juror, and each trial juror for each day's attendance at a term of a court of record, of civil or criminal jurisdiction, held within their county, except that in the county of Westchester and the counties of Rockland, Orange, Erie, Niagara, Ontario, Wayne, Wyoming, Cayuga and Genesee grand and trial jurors may be allowed a sum by the board of supervisors not exceeding three dollars for a day in addition to the other fees prescribed by the last section. If a different rate is not otherwise established as herein provided, each juror is entitled to five cents for each mile necessarily traveled by him in going to and returning from the term; but such board of aldermen or board of supervisors may establish a lower rate. A juror is entitled to mileage for actual travel once in each calendar week during the term, except that in the counties of Queens, Rockland and Orange grand and trial jurors may be paid four cents a mile for each mile necessarily traveled in going to and returning for each day of actual travel during the term in lieu of any other mileage. The sum so established or allowed must be paid by the county treasurer upon the certificate of the clerk of the court, stating the number of days that the juror actually attended, and the number of miles traveled by him in order to attend. The amount so paid must be raised in the same manner as other county charges are raised.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 78.

AN ACT to amend chapter ten of the laws of nineteen hundred and two, entitled "An act to provide for the holding of town meetings and elections in counties of the state having a certain population," generally.

Became a law, March 21, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter ten of the laws of nineteen hundred and two, entitled "An act to provide for the holding of town meetings and elections in counties of the state having a certain population," is hereby amended to read as follows:

§ 1. Town meetings at which town officers shall be elected in any county of the state having a population of over four hundred thousand inhabitants and less than six hundred thousand inhabitants, according to the last state or federal enumeration, shall be held biennially on the first Tuesday after the first Monday in November in each odd-numbered year, at the same places as general elections in such towns are held. No person shall be entitled to vote at any such town meeting or election unless he is registered and entitled to vote at the general election held at the same time that such town meeting is held. All elective town officers shall be elected at such general election in the same manner and on the same ballot as other officers who may be elected thereat. Certificates of nomination of candidates for a town office in any such towns shall be in duplicate, one of which shall be filed with the town clerk of the town, and the other with the commissioner of elections of the county wherein such town is located, and if nominated by a political party, at least twenty days and not more than thirty days before such town meeting and election is held, or, if independent nominations, at least fifteen days and not more than thirty days prior thereto. The ballots prepared by the commissioner of elections shall include the names of all candidates nominated for town officers in any such towns.

§ 2. Section two of chapter ten of the laws of nineteen hundred and two is hereby amended to read as follows:

§ 2. Ballots for the submission of questions or propositions relating to town affairs shall be prepared and furnished by the

officer charged with the duty of preparing the official ballots for candidates, as provided in the election law. Such ballots shall be distributed by the town clerk at the same time and in the same manner as are other ballots to be voted at a general election. It shall be the duty of each town clerk in any such county to file with the commissioner of elections a certified copy of all town propositions to be submitted to the electors of his town at the next biennial town meeting held pursuant to this act. An additional ballot box shall be provided, marked "box for town propositions," in which shall be deposited the ballots cast on town propositions or questions, except in election districts where the use of a voting machine has been authorized. In all such districts it shall be lawful for the town propositions to be printed on the same ballots with proposed amendments to the constitution or other propositions.

§ 3. Section three of chapter ten of the laws of nineteen hundred and two is hereby amended to read as follows:

§ 3. At the close of the polls at any such biennial town meeting and election in any such town the inspectors of election shall proceed to canvass the votes for the candidates for the several town offices, and for and against all town propositions duly submitted to the voters of such town in the election districts where such meeting and election was held, in the same manner as the votes for other candidates and propositions cast at the general election are canvassed. The inspectors of election shall perform the same duties with respect to the canvass of the vote and the filing of the returns thereof for such town officers, and all other matters pertaining to the determination of the result of the election as is now provided by law, with respect to the canvass of the votes cast at a general election. All provisions of law relating to the canvass of votes cast at a general election by the county board of canvassers, to the correction of clerical errors, the review of the determination by such board of canvassers, and all other matters pertaining to the canvass of the votes cast at a general election, shall be applicable to the canvass of all votes for such town officers and propositions. The secretary of the board of county canvassers of any such county shall transmit to the clerk of each town therein a certified copy of the determination of the county board of canvassers as to the election of each town officer and proposition voted for at the town meeting and election held in such town. The secretary of the board of county canvassers of any such county shall transmit to each person declared by the board of canvassers

thereof to be elected to a town office therein, a certificate of the determination of such board. No list of nominations of candidates for town officers to be filled at any such biennial town meeting and election, or the result of the official canvass of the vote cast thereat, shall be required to be published. All the provisions of the election law not inconsistent with the provisions of this act shall apply to and govern town meetings and elections held as provided herein.

§ 4. Section four of chapter ten of the laws of nineteen hundred and two is hereby amended to read as follows:

§ 4. There shall be elected at the town meeting and election to be held in each town in any such county on the first Tuesday after the first Monday of November, in the year nineteen hundred and three, and biennially thereafter, one supervisor, one town clerk, three assessors, one or three commissioners of highways, one collector, one or two overseers of the poor and not more than five constables. The persons first elected to the various offices above mentioned shall enter upon the discharge of their duties at the expiration of the term of their predecessors, and serve until and including December thirty-first, nineteen hundred and five. Their successors shall be elected at the biennial election and town meeting held in nineteen hundred and five and biennially thereafter, for the term of two years commencing on the first day of January, succeeding their election. There shall also be elected at such town meeting and election and biennially thereafter, two justices of the peace for terms of four years, beginning on the succeeding first day of January. All persons elected at such biennial town meeting to the office of justice of the peace to fill a vacancy shall take office on the first day of January next succeeding their election and all persons appointed by a town board or other competent authority to fill a vacancy in the office of justice of the peace shall serve until and including the thirty-first day of December following the next succeeding biennial town meeting. The collectors elected at such town meetings and elections shall enter upon the discharge of their duties after their predecessors have completed the duties of their offices, in respect to the collection of taxes and returns thereof, as now prescribed by law.

§ 5. This act shall take effect immediately.

Chap. 79.

AN ACT to amend section four of chapter seven hundred and thirty-four of the laws of nineteen hundred and one, entitled "An act to provide for a board of water commissioners in the city of Watervliet and a proper supply of water for public purposes for said city."

Became a law, March 21, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter seven hundred and thirty-four of the laws of nineteen hundred and one, entitled "An act to provide for a board of water commissioners in the city of Watervliet and a proper supply of water for public purposes for said city," is hereby amended so as to read as follows:

§ 4. Upon the adoption of a plan as hereinbefore specified, and the completion of the estimate provided for, the said board of water commissioners shall, in writing, notify the common council of the city of Watervliet of such fact, accompanying the same with a full statement of said plan and estimate. Said common council shall, within ten days thereafter, issue a call for a special election by the taxable inhabitants of the city, at which the question of accepting or rejecting the plan adopted by said board of water commissioners shall be voted upon. Provision for said election shall be made in the manner provided for special elections for extraordinary taxes, by section twenty-nine of title four of the charter of the city of Watervliet. A certificate in writing of the result of said election shall be signed by the inspectors of such election, and within forty-eight hours after such election, filed with the city clerk, whose duty it shall be to report the same to the common council at its first regular meeting held thereafter. If the majority of the ballots cast at said special election of taxable inhabitants shall be in favor of the acceptance of the plan adopted by the board of water commissioners, and if such plan shall be approved by the state water commission, as provided by chapter seven hundred and twenty-three of the laws of nineteen hundred and five, then the said board of water commissioners shall proceed to acquire or to construct and build, or to acquire

a portion and to construct and build a portion of, the necessary system of waterworks for the city of Watervliet, according to the plan and estimate hitherto adopted by them. They shall have power to contract for, purchase and take by deed, or other instrument under seal, in the name of said city, all lands, streams, water, water rights, or other property, real or personal, or rights therein, situate at any place within the county of Albany and any county adjoining thereto, which may be required for the purpose, and also the right to lay, relay and maintain pipes through lands, and to take, detain or divert water or streams of water which may be required for the purpose, without taking the fee of lands through which the pipes are laid or over which such streams or water flow. They shall have power to contract for the execution of the work or any part thereof, or the supply of any necessary material. The said board of water commissioners and their servants and agents are authorized to enter upon any lands, streams or water for the purpose of making surveys, and to agree with the owner of any such property or right which may be deemed necessary for the purposes of this act, as to the amount of compensation to be paid such owner. The said board of water commissioners and all acting under their authority shall also have the right to use the ground or soil under any street, highway or road within the city of Watervliet or any adjoining town, for the purpose of introducing water into and through any and all portions of said city of Watervliet, on condition that they shall cause the surface of such street, highway or road to be relaid and restored to its usual state, and the damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

§ 2. This act shall take effect immediately.

Chap. 80.

AN ACT to authorize the macadamizing or paving of streets, avenues or highways, and the construction of the necessary drains, curbing and gutters therefor, and in connection therewith, in the village of White Plains, Westchester county, and to provide the manner and means of paying therefor.

Became a law, March 21, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of White Plains in the county of Westchester is hereby authorized and empowered to macadamize or pave any main street, avenue, or highway in said village, and for that purpose said board of trustees is hereby authorized and empowered by resolution to designate and determine which of the streets, avenues or highways are main streets, avenues or highways, and said board of trustees is hereby authorized to make such change in the grade of such main streets, avenues or highways, and construct any necessary drain or culvert, as may be necessary for the proper macadamizing or paving of said street, avenue or highway, and the cost of such change of grade and the construction of any necessary drain or culvert, or any damage occasioned thereby upon the lines of said streets, avenues or highways, shall be considered as part of the cost of such macadamizing or paving.

§ 2. The board of trustees of the village of White Plains, in addition to the power vested in said board by section one of this act, is hereby authorized and empowered upon a petition signed by a majority of the property owners fronting upon any street, avenue or highway in said village not designated and determined by the board of trustees to be a main street, avenue or highway to macadamize or pave said street, avenue or highway, and for that purpose, said board of trustees is hereby authorized and empowered to change or regulate the grade of such streets, and highways as may be necessary for the proper macadamizing or paving of said street, avenue or highway and the cost of such change of grade or any damage occasioned thereby upon the lines of said street, avenue or highway shall be considered as part of the cost of said macadamizing or paving.

§ 3. Whenever said board of trustees shall determine to macadamize or pave any street, avenue or highway in said village, two-thirds of the cost and expense thereof shall be paid by bonds of said village to be issued as provided in section four of this act, and the remaining one-third of the cost shall be paid for by the property benefited thereby in proportion to such benefit.

§ 4. Prior to contracting for any such work, a plan and accurate specification of the work proposed to be constructed must be prepared and placed in the office of the village clerk for public inspection. The board of trustees shall then fix a district of assessment of the property in the judgment of said board benefited by said macadamizing or paving and beyond which district the assessment for one-third of such cost of macadamizing or paving shall not extend, and shall then cause to be published in one or more of the newspapers published in said village, a notice that on a day therein to be named, at least two weeks from the first publication thereof, it will act in relation to the work proposed to be constructed and in the meantime sealed proposals for constructing the work will be received by the village clerk. Upon the day mentioned in the notice, or upon such subsequent day as the said board of trustees may adjourn to for that purpose, the president of the village, or in his absence the presiding officer shall in the presence of the board of trustees, open such proposals. No proposals shall be considered unless accompanied by a certified check for ten per centum of the amount of the bid payable to the village of White Plains with a statement in writing signed by the person, firm corporation or persons making such bid to the effect that if the bid be accepted they will furnish and deliver to the village a bond executed by two or more persons, as the board may require, who own unincumbered real estate in the county of Westchester, or the bond of a surety company in a penalty to be fixed by the board of trustees, conditioned for the construction of the work at the price and upon the terms proposed within such reasonable time as the board of trustees may limit, and subject to the supervision and approval of the said board of trustees. The said board may, by a vote of the majority of all its members, to be ascertained by taking and recording the ayes and noes, direct the construction of the proposed work and accept the most favorable bidder.

§ 5. Upon the awarding of the contract all checks other than the check of the successful bidder shall be immediately returned

to the person or persons or corporations delivering the same to the clerk, and the check of the successful bidder or the amount of the check in cash shall be held until the bond hereinbefore provided for shall be furnished. The board of trustees shall make a report in writing of the assessment for one-third of the cost of said macadamizing or paving upon the different parcels of land affected thereby, and deposit the same with the village clerk, and cause to be published in one or more of the village newspapers, once in each week for two successive weeks, a notice that the report has been completed and so deposited, and that they will meet at a time and place therein to be specified, not less than ten days from the first publication of said notice to review their report. At such time and place the parties interested can be heard, and thereafter the said trustees shall review the report, correct the same when necessary and file it with the village clerk with all the objections in writing which have been left with them by the parties interested. And upon the filing of such report the amount of the cost of said improvement, as fixed by the said trustees in said report, shall be a first lien upon the various parcels of land described in said report, and said amount shall be collected and the lien enforced in the same manner as is provided for the collecting of taxes in said village.

§ 6. The board of trustees may from time to time issue bonds for such sums as may be necessary to pay two-thirds of the expense of macadamizing or paving the said streets and highways, provided that the aggregate amount of such bonds shall not exceed the sum of one hundred thousand dollars; said bonds shall be of such denomination as the board of trustees shall determine, shall become due at such time as the board of trustees may determine not to exceed forty years from the date thereof and shall bear interest at not exceeding four per centum per annum, and mature in sums not exceeding five thousand dollars in any one year. Said bonds shall be signed by the president and village clerk, and sealed with the village seal. The board of trustees shall convert such bonds into money at not less than their par value or may obtain temporary loans on the same, and the proceeds therefrom shall be used only for the payment of two-thirds of the cost of such macadamizing or paving. The board of trustees of the village of White Plains is hereby authorized and directed to raise by tax from year to year such sum or sums of money as may be necessary to pay the interest on the said bonds, and the principal

thereof at maturity; said bonds when so issued shall be a lien upon all the taxable estates in the village of White Plains, both real and personal. No more than twenty thousand dollars of such bonds shall be issued or sold in any one year.

§ 7. Pending the collection of the assessments, the board of trustees is hereby authorized and empowered to issue certificates of indebtedness, or assessment bonds of the village of White Plains, not to exceed the amount of one-third of the cost of said improvement, such certificates or bonds to draw interest not to exceed four per centum per annum, and to be signed by the president and village clerk, and to be sold at not less than par, and the proceeds thereof shall be used only for the payment of the cost of one-third of said macadamizing or paving. Such certificates of indebtedness or assessment bonds to be and become a lien upon all the taxable estates, both real and personal, within said village, and the board of trustees is hereby authorized and directed to raise from time to time, by tax, such sum or sums of money as may be necessary to pay the interest on such certificates of indebtedness or assessment bonds and the principal thereof at maturity, providing the amount has not been collected from the real property assessed therefor.

§ 8. Nothing in this act shall in any way interfere with any contract or arrangement between the village of White Plains and any surface railroad company now, or that may hereafter be authorized to operate within said village, or with the control vested by law in the board of trustees over any such surface railroad company, and the cost of macadamizing or paving between the tracks of said surface railroad company and two feet outside, shall be borne by said railroad company as provided by any contract or agreement heretofore made or that may be hereafter made between said village and said railroad company, or as now or hereafter may be provided by law.

§ 9. The board of trustees may order the laying or relaying of curb and gutters and construction of such drains as may be deemed necessary on such streets, avenues or highways, as they shall determine to macadamize or pave, of such character and material as the board by resolution may determine, and the cost thereof shall be considered as part of the cost of said macadamizing or paving, and such curbing, guttering and drains may be included in any contract let by the board of trustees for the macadamizing or paving of any street, avenue or highway.

§ 10. This act shall take effect immediately.

Chap. 81.

AN ACT to amend the town law, relating to surety bonds to secure supervisors' deposits.

Became a law, March 21, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," is hereby amended by inserting therein a new section to be section sixty-a, and to read as follows:

§ 60-a. Bonds to indemnify supervisor against loss of deposits. — The supervisor of any town may purchase a surety bond of some solvent surety company, authorized to do business in the state of New York, securing to such supervisor the safety of town funds deposited by him in any bank or banking institution in this state, and indemnifying him against the loss thereof through the failure or insolvency of such bank or banking institution, and the cost of such bond or bonds shall be a town charge and shall be audited and paid in the same manner as other town charges.

§ 2. This act shall take effect immediately.

Chap. 82.

AN ACT for the promotion of agriculture and making an appropriation therefor.

Became a law, March 22, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one hundred and fifteen thousand one hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury belonging to the general fund, not otherwise appropriated to the New York state fair commission, for the objects and pur-

poses hereinafter set forth. For salaries of officers and regular employees from October first, nineteen hundred and six, to October first, nineteen hundred and seven, seven thousand six hundred and fifty dollars, divided as follows: for the salary of the secretary of the commission, two thousand dollars; for the salary of the treasurer of the commission, one thousand dollars, for the salary of the superintendent, two thousand dollars; for the salary of the gardener, nine hundred dollars; for the salary of the secretary of the racing department, one thousand dollars; for the salary of the secretary of the horse show department, seven hundred and fifty dollars; for the expenses of the commission, four thousand dollars; for maintenance, improvement of grounds and general repairs, fifteen thousand dollars; for printing and advertising, ten thousand dollars; for insurance, two thousand five hundred dollars; for new grandstand, fifty-one thousand dollars; for acquiring additional real estate, twenty thousand dollars; for additional structures, five thousand dollars.

§ 2. This act shall take effect immediately.

Chap. 83.

AN ACT to legalize, ratify, approve and confirm the issue and sale of a series of one hundred and eighty-one thousand five hundred dollars registered additional water works bonds of the city of Troy, dated the first day of September, nineteen hundred and five, and to legalize, ratify, approve and confirm all the acts and proceedings under which said bonds were issued and sold.

Became a law, March 22, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. That the issue and sale of a series of registered additional water works bonds of the city of Troy, in the aggregate sum of one hundred and eighty-one thousand five hundred dollars, being one hundred and eighty-one bonds for one thousand dollars each, and one bond for five hundred dollars, each and all dated the first day of September, nineteen hundred and five, bearing

interest at the rate of four per centum per annum, from the date thereof, payable semi-annually March first and September first, until the payment of the principal sum, of which bonds, twenty thousand dollars, are payable on the first day of September, in the year nineteen hundred and thirty-five; twenty-five thousand dollars on the first day of September in the year nineteen hundred and thirty-six; thirty thousand dollars on the first day of September, nineteen hundred and thirty-seven; fifty-five thousand dollars on the first day of September, nineteen hundred and thirty-eight, and fifty-one thousand five hundred dollars on the first day of September, nineteen hundred and thirty-nine, and all acts and proceedings of the common council, board of estimate and apportionment, the commissioner of public works, mayor, treasurer and comptroller of said city, heretofore had or taken, in issuing and selling said bonds, as sold at public sale on the sixth day of November, nineteen hundred and five, on published notice of sale to the purchaser thereof at said sale or hereafter to be had or taken, in the execution and delivery of said bonds to the purchaser thereof at said sale, pursuant to and in accordance with said issuance and sale, be and the same are in all respects, matters and things approved, confirmed, ratified and legalized, and said bonds are, and each of them is hereby made, constituted and declared to be upon their delivery to the purchaser thereof at said sale and payment therefor, valid, legally binding and subsisting obligations of the city of Troy, New York.

§ 2. This act shall take effect immediately, but shall not affect any action or proceeding now pending.

Chap. 84.

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," and the acts amendatory thereof, relating to the powers and duties of the president, constitution of the board of trustees, appointment of village attorney, and the village funds known as the general fund and the highway fund.

Became a law, March 22, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title four of chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," is hereby amended to read as follows:

§ 1. The president shall be the chief executive officer of the village, and a member of the board of trustees of the village, and when present shall preside at all meetings of the board of trustees and have a vote on all questions. He shall see that all the provisions of this act, and all resolutions, by-laws, ordinances and rules of the board of trustees and village are faithfully executed, and shall receive complaints and institute prosecutions for their violation. The president, in behalf of said village, shall execute all leases, contracts, licenses and other papers to be executed as the act of the village, when so authorized by the trustees; provided, that the clerk of said village may also execute all licenses under the corporate seal, under such restrictions as the board of trustees may impose.

§ 2. Sections one and two of title five of said act are hereby amended to read as follows:

§ 1. The president and the trustees of the village shall constitute the board of trustees thereof. The board of trustees shall meet at such place in said village, and at such times as it shall by resolution provide. The board of trustees may also meet at any time and place in said village when called upon for that purpose by the president or notified by the clerk; and the clerk shall call

special meetings of the board of trustees at any time, on the written request of any two trustees; and all such meetings may be adjourned from time to time. All such meetings of the board of trustees shall be public.

§ 2. In the absence of the president, any one of the trustees may be appointed president for the time. A majority of the board of trustees shall constitute a quorum for the transaction of business.

§ 3. The first paragraph of section three of title five of such act is hereby amended to read as follows:

§ 3. It shall be the duty of the board of trustees and it shall have the power and authority:

§ 4. Subdivision six of section three of title five of said act is hereby amended to read as follows:

6. To appoint annually an attorney and pay such attorney a reasonable annual salary.

§ 5. Subdivision thirty of section three of title five of said act, as amended by chapter one hundred and forty of the laws of eighteen hundred and ninety-seven and chapter two hundred and seventy-three of the laws of nineteen hundred and two, is hereby amended to read as follows:

30. To raise annually by tax, to be assessed upon the estates, real and personal, within said village, such an amount of money, denominated highway tax, as they shall deem advisable, not exceeding the sum of three thousand five hundred dollars; and also to annually assess a poll tax of one dollar on each male inhabitant of the village, of the age of twenty-one years and upward, which poll tax shall be collected as in this act provided. The highway tax and poll tax shall be paid to the treasurer and by him kept separate from all other moneys, and shall be denominated the highway fund.

§ 6. Subdivision thirty-one of section three of title five of said act, as amended by chapter one hundred and forty of the laws of eighteen hundred and ninety-seven, chapter four hundred and fifty-nine of the laws of nineteen hundred, chapter two hundred and seventy-three of the laws of nineteen hundred and two, and chapter one hundred and one of the laws of nineteen hundred and five, is hereby amended to read as follows:

31. To raise annually by tax, to be assessed upon the real and personal estate within said village, such an amount of money as they shall deem necessary, not exceeding the sum of four thou-

sand dollars, which sum shall be expended by said board of trustees in liquidating the general expenses of said village. Such money shall be denominated the general fund. And also to raise annually by tax to be assessed upon the real and personal estate in said village such an amount of money as they shall deem necessary, not exceeding the sum of two thousand dollars, which sum, or so much thereof as may be necessary, shall be expended by said board of trustees in the removal or destruction of garbage and refuse matter in said village. Such money shall be denominated the garbage fund. The board of trustees may provide for such removal or destruction by contract or otherwise in its discretion; if by contract it shall be let to the lowest responsible bidder after due notice of the letting of such contract, published once a week for two consecutive weeks in a newspaper published in such village.

§ 7. This act shall take effect immediately.

Chap. 85.

AN ACT to amend chapter three hundred and forty-eight of the laws of nineteen hundred and one, entitled "An act to provide for sewer systems outside incorporated villages or cities," in relation to paying necessary expenses.

Became a law, March 22, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of chapter three hundred and forty-eight of the laws of nineteen hundred and one, entitled "An act to provide for sewer systems outside incorporated villages or cities," is hereby amended to read as follows:

§ 6. The sewer commissioners may employ an attorney, a supervising engineer to superintend and inspect the construction of any sewer or works connected therewith, and also such inspectors as may be necessary and fix the compensation of such attorney, engineer and inspectors. Such compensation shall be treated as a part of the expense of construction.

§ 2. This act shall take effect immediately.

Chap. 86.

AN ACT to amend chapter one hundred and twenty-nine of the laws of nineteen hundred and five, entitled "An act to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof' and to terminate the terms of office of the present fire commissioners of said village, and to concentrate the functions heretofore exercised by said fire commissioners, in a single commissioner and to define his powers, duties and liabilities."

Became a law, March 22, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter one hundred and twenty-nine of the laws of nineteen hundred and five, entitled "An act to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof,' and to terminate the terms of office of the present fire commissioners of said village, and to concentrate the functions heretofore exercised by said fire commissioners, in a single commissioner and to define his powers, duties and liabilities," is hereby amended to read as follows:

§ 28. No building, shed, shop or structure of any kind, in whole or in part of wood, shall hereafter be constructed within the fire limits of the village of Saratoga Springs, as said fire limits are now established, or may hereafter be extended, by the fire commissioner of said village; nor shall any such building, shed, shop or structure, in whole or in part of wood, now existing or that may hereafter exist within the fire limits of said village, be altered, rebuilt, added to or repaired, in whole or in any part, with wood, except in the way of ordinary repairs of ordinary wear and tear; provided, however, that when any inclosed building that is to say, a building having lateral exterior walls, completely inclosing its area, and said walls resting in or upon the ground, and said building covered at the top of said walls with a roof, is erected or constructed or now exists, the said exterior walls of which are wholly of brick, stone, iron or other

noncombustible substance, wood may be used in the construction, alteration, rebuilding, or repairing of its exterior doors, windows, stoops, balconies, cornices and piazzas, and in the construction, alteration, rebuilding, and repairing of its interior, and of the roof, provided the roof, be covered completely with metal or slate, or other fire-proof or fire-retarding material having the approval of the fire commissioner. And it is further provided that privies, not exceeding ten feet high and ten feet square, may be built of wood. If any dwelling-house, storehouse, manufactory or other building whatever, shall be erected, constructed, altered or repaired, contrary to the foregoing provisions, the owner or owners thereof shall be deemed guilty of a misdemeanor, and shall also be liable to a penalty of one hundred dollars for each and every such offense, to be collected of said owner or owners by suit in the supreme or county courts, in the name of the village of Saratoga Springs, and for each and every day thereafter that such violation shall be permitted by said owner or owners to exist, an additional penalty of twenty-five dollars shall be imposed to be collected by the same proceeding and in like manner as hereinbefore set forth; and every builder who shall build or roof, or who shall assist in building or roofing such dwelling-house, storehouse, manufactory or other building whatever, shall be liable to a penalty of two hundred and fifty dollars for each and every offense, to be collected by the same proceeding and in like manner as hereinbefore set forth; and all such penalties when collected, shall be paid over to the receiver of taxes of said village, for the use and benefit of the fire department of the village of Saratoga Springs. And in case of any suit or proceeding under the provisions of this section, such owner or owners shall not erect, construct, alter or repair any such dwelling-house, storehouse, manufactory or other building, until decision or judgment shall have been rendered therein. Such suits to be prosecuted by the fire commissioner in the name of the village. Every wooden building or frame building, with a brick or any other front, situate within the fire limits of said village, as they now exist or may hereafter exist, which may hereafter be damaged by fire to an amount not greater than two-thirds of the value thereof, exclusive of the foundation, may be repaired or rebuilt; but if said damage shall amount to more than two-thirds of such value exclusive of the foundation, then such building shall not be repaired or rebuilt, but shall be taken down or removed; the

amount or extent of such damage shall be determined by two disinterested persons residing in said village one of whom shall be appointed by the fire commission, and the other by the owner or owners of said building; and in case they shall disagree, they are to select a third disinterested person, and the decision in writing of any two of them shall be conclusive and final; and until such decision is rendered, said building shall not be repaired or rebuilt. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and also liable to a penalty of one hundred dollars, to be collected in the same manner and by the same proceeding as hereinbefore set forth.

Chap. 87.

AN ACT to authorize the towns of Suffolk county to acquire lands for park purposes, and to issue bonds therefor.

Became a law, March 22, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town board of any town in the county of Suffolk may submit to a special or biennial town meeting, and on the petition of at least twenty-five taxpayers in such town must submit to a biennial town meeting, a proposition for the acquisition of land in such town, briefly described in such proposition for park purposes, and for the issue of the bonds of the town for acquiring and improving such land, in an amount not exceeding an amount to be specified therein.

§ 2. If such proposition is adopted, the town board may acquire the land described in such proposition by purchase from the owners thereof, or if unable to agree upon terms for such purchase, may acquire the same by condemnation in the manner provided by the code of civil procedure. Upon the acquisition of such land the town board shall cause the same to be laid out and improved as a public park, which shall be free to the use of the public, subject only to proper regulations adopted by the town board governing such use.

§ 3. Town bonds issued under authority conferred by this act shall be signed by the supervisor and attested by the town clerk.

Such bonds shall become due within twenty years from the date of issue, and unless the whole amount of the indebtedness represented thereby is to be paid within five years from their date, they shall be so issued as to provide for the payment of the indebtedness in equal annual instalments, the first of which shall be payable not more than five years from their date. They shall bear interest at a rate not exceeding five per centum per annum, and shall be sold for not less than their par value. They shall be sold on sealed proposals or at public auction upon notice published in a paper printed in the town, if any, and also in such other papers as may be designated by the town board, and posted in at least five public places in the town, at least ten days before the sale, to the person who will take them at the lowest rate of interest. Such bonds shall be consecutively numbered from one to the highest number issued and the town clerk shall keep a record of the number of each bond, its date, amount, rate of interest, when and where payable and the purchaser thereof or the person to whom they are issued.

§ 4. This act shall take effect immediately.

Chap. 88.

AN ACT to amend chapter five hundred and ninety-eight of the laws of eighteen hundred and ninety-two, entitled "An act to provide for reporting the decisions of the inferior courts of record in the state of New York" as amended by chapter four hundred and ninety-six of the laws of nineteen hundred and three.

Became a law, March 22, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter five hundred and ninety-eight of the laws of eighteen hundred and ninety-two, entitled "An act to provide for reporting the decisions of the inferior courts of record in the state of New York," as amended by chapter four hundred and ninety-six of the laws of nineteen hundred and three is hereby amended to read as follows:

§ 1. The governor shall appoint a member of the bar to be known as the miscellaneous reporter, who shall hold office for

five years from the first day of July nineteen hundred and six, and until his successor shall be appointed in like manner, whose duty it shall be to report such opinions as public interest in his judgment requires, in causes decided in any court of record in this state other than the appellate division of the supreme court and the court of appeals; and it shall be the duty of every judge of a court of record, for reporting whose decisions provision is hereby made, including every surrogate, to furnish to the miscellaneous reporter a copy of every opinion written by him when his decision is rendered, without charge. Each counsel who shall argue or submit a cause in the appellate term of the supreme court shall deliver to the clerk of the court a duplicate of each paper furnished for the use of the court and it shall be the duty of such clerk immediately after the adjournment of the term, to transmit the same to the miscellaneous reporter, or his representative, together with a certified copy of all the decisions rendered at such term.

§ 2. This act shall take effect immediately.

Chap. 89.

AN ACT to amend the code of civil procedure, relative to the length of time to publish notice.

Became a law, March 22, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-four hundred and thirteen of the code of civil procedure, is hereby amended to read as follows:

§ 2413. If the petition be to change the name of an infant, and is made by the infant's next friend, notice of the time and place when and where the petition will be presented must be served upon the father, or if he is dead or cannot be found, upon the mother, or if both are dead or cannot be found, upon the general guardian or guardian of the person of the infant, in like manner as a notice of a motion upon an attorney in an action, unless it appears to the satisfaction of the court that the infant has no father or mother, or that both reside without the state or cannot be found, and that he has no guardian residing within

this state, in which case the court may dispense with notice or require notice to be given to such persons and in such manner as the court thinks proper. If the petition be made by a corporation located elsewhere than in the city and county of New York, notice of the presentation thereof shall be published once in each week for three successive weeks in the state paper, and in a newspaper of every county in which such corporation shall have a business office, or if it has no business office, of the county in which its principal corporate property is situated, or in which its operations are or theretofore have been principally conducted, which newspaper, if it be a banking corporation, shall be designated by the superintendent of banks, if an insurance corporation, other than a town or county co-operative insurance corporation, by the superintendent of insurance, or if a railroad corporation, by the railroad commissioners. In the city and county of New York such notice shall be published once in each week for three successive weeks in two daily newspapers published in such county. If the petition be made by a corporation, a copy of the petition and notice of motion shall be filed with the secretary of state, and the proposed name shall thereupon be reserved for said corporation until three weeks after the date of such motion, and until three weeks after the date of any adjournment of such motion if notice of such adjournment shall be filed with the secretary of state, and no certificate of incorporation of a proposed corporation, having the same name as the name proposed in such petition, or a name so nearly resembling it as to be calculated to deceive, shall be filed in any office for the purpose of effecting its incorporation, and no corporation formed without the state of New York having the same name or a name so nearly resembling it as to be calculated to deceive shall be given authority to do business in this state.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 90.

AN ACT to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," relating to the exemption from taxation of all bonds issued by said city.

Became a law, March 22, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four hundred and ninety-one of chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," is hereby amended to read as follows:

§ 491. The city is hereby authorized to issue either registered or coupon bonds, under any law heretofore or hereafter enacted, authorizing the issue of the bonds of the said city, and shall, at the request of the holder of any coupon bonds, whether heretofore or hereafter issued, issue and deliver to the said holder, on the delivery and surrender to the city thereof, registered bonds of equal amount. Such bonds shall be divided into and issued in such amounts as the said holder shall desire, provided that the city shall not be required to issue any bond for a less sum than one thousand dollars; and provided, further, that the bonds so issued shall be payable upon the same terms and at the same time as the bonds for which they are exchanged. The city shall keep a record of all bonds surrendered for exchange, and by whom surrendered, and of all bonds issued in exchange therefor, and to whom issued, containing the dates, numbers, and the amounts of the said bonds, and a reference to the laws or resolutions under which they were issued. All bonds issued by the said city after the thirtieth day of June, nineteen hundred and six, shall be free and exempt from taxation except for state and county purposes.

§ 2. This act shall take effect immediately.

Chap. 91.

AN ACT making an appropriation for the state industrial school at Rush.

Became a law, March 23, 1906, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The following sum or so much thereof as may be necessary, is hereby appropriated for the use and purposes of the state industrial school at Rush, from any moneys in the treasury not otherwise appropriated, for the completion of sixteen cottages and sixteen barns, twenty-six thousand dollars.

§ 2. The work authorized by this act shall be done pursuant to section forty-nine of the state charities law, as amended by chapter four hundred and fifty-seven of the laws of nineteen hundred and five.

§ 3. This act shall take effect immediately.

Chap. 92.

AN ACT to amend chapter one hundred and ninety-four of the laws of eighteen hundred and seventy-nine, entitled "An act to revise and amend chapter one hundred and forty-four of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts relating to the village of Palmyra,'" in relation to sewers.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision twenty of section fourteen of chapter one hundred and ninety-four of the laws of eighteen hundred and seventy-nine, entitled "An act to revise and amend chapter one hundred and forty-four of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts relating to the village of Palmyra,'" is hereby amended to read as follows:

20. To determine upon view, or upon testimony of witnesses, whether any building, slaughter-house, pigsty, stable, privy,

pool, meatmarket, structure, substance or thing whatever, within said village, is a nuisance, and to compel the removal or abatement of same; and if not done within such time as the trustees may allow, they may cause the same to be removed or abated at the expense of the owners or occupants of the premises on or adjacent to which same is situated. But all such determinations shall be by resolution, and require the concurring vote of at least four members of the board.

§ 2. Section forty-three of said chapter, is hereby amended to read as follows:

§ 43. The trustees shall have power to keep the roads, avenues, streets, lanes, crosswalks, sidewalks, and public places of the village in good order, repair and condition; to construct culverts and drains; to regulate and prescribe the width, line and grade of streets, avenues, lanes and sidewalks; to pave, or otherwise construct roads, crosswalks and sidewalks; to fill up or drain low grounds if nuisances, and assess the expense or part thereof upon the property benefited, in proportion to the amount of such benefit; to regulate the water-courses, ponds and watering places in the village. The amount of the benefit in any case, where the same is made the basis of assessment under this section, shall be determined by the trustees. All assessments for drainage of stagnant waters or the raising or filling up of low grounds under the provisions of this section, shall be enforced and collected in the same manner as assessments for the annual village tax. The said board of trustees shall also constitute, ex officio, a board of sewer commissioners with all the jurisdiction, powers and duties of such a board as defined and conferred by the village law, until said village has a separate board of sewer commissioners, created and appointed in the manner provided for in said law; and each of the provisions of article ten of said village law and all other provisions of said law relating to sewers, sewer systems and the construction, repair, maintenance, improvement, supervision and control thereof, boards of sewer commissioners and their powers, duties, jurisdiction, appointment, and terms of office, and actions and proceedings in respect to sewers and sewer systems, shall hereafter apply to the said village of Palmyra.

§ 3. Section forty-five of said chapter, is hereby amended to read as follows:

§ 45. This village shall constitute a separate highway district within its corporate limits, exempt from the superintendence of any one, except the board of trustees; who shall be commissioners

of highways in and for such village, and shall have all the powers of commissioners of highways of towns in this state; subject to this act, and as such they shall have power to discontinue, lay out, open, widen, alter, change the grade, or otherwise improve roads, avenues, streets, public parks or squares, lanes, crosswalks and sidewalks; and for that purpose, and so far as necessary in building drains, may take and appropriate any land in said village; but no road, avenue, street, public park or square, lane or sidewalk, shall be opened or altered, or land taken for any purpose, unless all claims for damage on account thereof shall be released without remuneration, except on the written petition of at least ten freeholders, residing in said village, which petition shall specify the improvement to be made, describe the land to be taken, state the owner or owners thereof, when known, and shall be filed in the office of the clerk of the village. On the presentation of such petition the trustees shall meet and examine the same; and if they decide the improvement shall be made, they shall so decide by resolution, to be entered in the minutes of the board; and they shall thereupon put up, in five public places in said village, a correct description of the lands to be taken to make such improvement, and a notice that the trustees, at a place and on a day, and at an hour therein specified, not less than five days from the date and posting thereof, will meet and hear any objection that may be made to the taking of such land, or making such improvement; a copy of which notice must be served on the owner or owners of such land at least five days before said meeting, unless said owner is a nonresident of such village, in which case said notice and description must be deposited in the said village postoffice, directed to said owner, at least twenty days before the meeting. Any person interested may be heard and introduce testimony before the board of trustees as to the matter, on the day specified in the notice, or on such other days as the board may appoint. After such hearing the trustees may deny the petition, or approve and declare by resolution, to be entered in their minutes, their intention to make the said improvements, and proceed to obtain possession of the lands described, in the manner provided by this act. But no land shall be obtained in any way for a public park or square, without the previous consent or ratification of the taxpayers as hereinbefore provided.

§ 4. This act shall take effect immediately.

Chap. 93.

AN ACT to make the office of the county clerk of Cayuga county a salaried office and regulating the management of said office.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. After the expiration of the term of office of the present clerk of the county of Cayuga, the clerk of the county of Cayuga shall receive as compensation for all his services an annual salary, of three thousand dollars per annum, and it shall be the duty of said clerk to perform all the services which he is or shall be required or authorized to perform by law, but no compensation, payment or allowance shall be made to or received by him for his own use for any such service, except the salary aforesaid.

§ 2. All the fees, emoluments and perquisites which such clerk is or shall be legally authorized, required or entitled by law to charge or receive, shall be charged and received by him, but for the benefit of and shall belong to the county of Cayuga, and it shall be his duty to exact, collect and receive payment in advance for recording all papers left with him for record and to require payment for all other services rendered by him or his assistants in his or their official capacity, except those chargeable to the county. The board of supervisors of said county may by resolution, at the annual session of said board, fix the amount of the fee which said clerk shall exact and collect for searching and certifying the title to and incumbrances on real property not exceeding the amount now fixed by law. Said resolution shall be general in character and said fee shall be uniform throughout the county and shall not be changed except at regular annual session of said board.

§ 3. Such clerk shall keep in a proper book or books, an exact and true account of all official services performed by him or his assistants and of all money, fees, perquisites and emoluments received or chargeable by him or them, pursuant to law; which books or book shall constitute a part of the records of said office, and at all times during office hours shall be open for inspection to all persons desiring to examine the same, and without fee or charge.

§ 4. At the end of each calendar month such clerk shall make a full verified statement of all moneys received each day during that month by him or by his assistants for fees, perquisites and emoluments for all services rendered by him or them, and shall transmit or deliver the same to the county treasurer of said county, within ten days thereafter, together with the whole of the moneys so received by him or his assistants. Such statement shall specify in the following order, the amount so received during that calendar month: for recording deeds, for recording mortgages; for recording other documents and papers; for searching and certifying the title to and incumbrances upon real estate; for docketing judgments and canceling docket; for copies and exemplifications of papers and records; for filing papers and for any and all other services. And shall also show the total receipts for said month. The verification of such statement shall be by the affidavit of said county clerk, that the same is in all respects a full and true statement of all moneys received by him or his assistants as herein required.

§ 5. All the expenses of lighting and heating the county clerk's office of said county, for stationery and books properly used therein, and all other expenses of maintaining said office, shall be a county charge and be paid for by said county.

§ 6. Every county clerk, elected or appointed in said county, before entering upon the duties of said office, shall execute and file with the county treasurer of said county, an undertaking to said county in such sum, and with such sureties as shall be approved by the board of supervisors of said county, if in session, and if not, then by the county judge of said county, to the effect, that said county clerk shall faithfully execute the duties of his office, and shall pay over according to law, and account for, all moneys and property which shall come to his hands, and render a just and true account to the county treasurer of said county and to the board of supervisors when required, and obey all orders and directions of a competent court relating thereto; and if any such clerk shall neglect for thirty days to execute or file such undertaking according to the provisions of this act, his office shall become vacant.

§ 7. There shall be one deputy clerk, one special deputy clerk to attend the sessions of the courts of record held in and for said county, one search clerk, one miscellaneous clerk, one stenographer and as many other clerks as may be required for the

prompt and efficient discharge of the duties of said office and for their official acts, said county clerk shall be responsible. The compensation of said clerk, deputy and assistants shall be paid in the same manner as that of other county officers except the compensation of the special deputy clerk shall be three dollars per day when attending terms of court and shall be paid as provided by the code of civil procedure where the county clerk is not a salaried officer. The compensation of the deputy clerk shall be twelve hundred dollars per annum; the search clerk, one thousand dollars per annum; the miscellaneous clerk, six hundred dollars, per annum; the stenographer seven hundred and fifty dollars, per annum; and the recording clerks to be paid by the folio, not to exceed three and one-half cents per folio; and all other clerks and assistants (except the special deputy clerk) shall be paid such compensation not exceeding in the aggregate the sum of twelve hundred dollars per annum as in the judgment of said county clerk shall seem proper.

§ 8. Any officer or assistant named in this act who shall receive to his own use, or neglect to account for, any money, fees, perquisites or emoluments by this act declared to belong to and be for the benefit of said county of Cayuga, or who shall neglect to render an account of all fees received or to pay over the same as required, shall be guilty of a misdemeanor, and on conviction thereof be punished by fine or imprisonment, or both, at the discretion of the court in which his conviction may be had, and in addition be liable to said county in a civil action for all money so received and not accounted for.

§ 9. Nothing in this act contained shall make the county of Cayuga responsible for the acts of the county clerk thereof, nor relieve the county clerk from any liability to which he is lawfully subject preceding the taking effect of this act.

§ 10. The county clerk may require undertakings from his deputy and assistants, with sureties to be approved by him, for the faithful performance of their duties.

§ 11. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 12. This act shall take effect immediately.

Chap. 94.

AN ACT to amend chapter five hundred and eighteen of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act, entitled 'An act to incorporate the village of White Plains,' relative to revising certain sections of the charter.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one, of title four of chapter five hundred and eighteen, of the laws of eighteen hundred and sixty-seven, entitled "An act to amend an act to incorporate the village of White Plains," as amended by chapter four hundred and nine of the laws of eighteen hundred and seventy-three, and by chapter one hundred and seventy-nine, laws of eighteen hundred and seventy-eight, and chapter four hundred and ninety-three, laws of eighteen hundred and eighty-four, and chapter three hundred and fifteen, laws of eighteen hundred and ninety, and chapter one hundred and nine of the laws of eighteen hundred and ninety-five, and chapter seven hundred and sixty-eight of the laws of eighteen hundred and ninety-six and chapter two hundred and one of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 1. The board of trustees is authorized and empowered without any vote of the taxable inhabitants of said village to raise every year by tax, to be assessed upon the estate and property, real and personal, within said village and to be collected from the several owners and occupants thereof, the following sums for the following purposes, namely

1. For the purchase of any real estate or personal property for the use of said village or for the hiring of suitable rooms for the use of said village, and to defray the ordinary, necessary or contingent expenses of the village a sum not to exceed twelve thousand dollars.

2. For making, working, repairing and improving roads and bridges and for laying and maintaining crosswalks, a sum not exceeding twenty thousand dollars in any one year; which amount shall be denominated the highway tax or fund, and when raised ten thousand dollars or so much thereof as may be necessary, shall

be devoted exclusively to the working, maintenance and repair of roads, avenues, streets, lanes, crosswalks and bridges of the village, and the balance of the sum so raised shall be devoted to permanent improvements of such roads, avenues, streets, lanes, crosswalks and bridges and to no other purpose whatsoever; and the treasurer shall keep such sums as separate and distinct funds.

3. For lighting the streets as hereinafter provided an amount not exceeding thirteen thousand dollars. The existing contracts made and entered into by the board for lighting the streets and public places in the village shall be and continue in full force and effect until the expiration thereof.

4. For the payment of any judgment which may hereafter be recovered against said village, such sum as may be necessary to discharge the same.

5. For the care, maintenance, improvement and beautifying the parks and public places of the village a sum not to exceed one thousand dollars.

6. For the payment of the expenses of maintaining the fire department and fire alarm system, and extension of the system and payment of the salary of the superintendent of the fire alarm system, an amount not to exceed five thousand dollars.

7. For the salary of police justice, an amount not exceeding five hundred dollars.

8. For the salary of the village clerk, an amount not to exceed eight hundred dollars.

9. For the salary of village treasurer, an amount not to exceed five hundred dollars.

10. For the salary of the superintendent of highways, an amount not exceeding one thousand dollars.

11. For the cleaning of crosswalks and the removal and disposal of ashes and garbage, dead animals and general refuse matter an amount not exceeding four thousand five hundred dollars.

12. For salaries of health officers, secretary to board of health and the ordinary expenses incurred by said board an amount not to exceed fifteen hundred dollars.

§ 2. This act shall take effect immediately.

Chap. 95.

AN ACT to amend section twenty-five hundred and ten of the code of civil procedure, in relation to the examination of the witnesses to wills.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-five hundred and ten of the code of civil procedure is hereby amended so as to read as follows:

§ 2510. The clerk of the surrogate's court, and in the county of Kings two other clerks to be designated by the surrogate, in addition to the powers enumerated in section twenty-five hundred and nine, may exercise, concurrently with the surrogate of the county the following powers of the surrogate: On the return of a citation issued from such surrogate's court on a petition for the probate of a will, where no objection to the same is filed, or, where all the persons entitled to be cited, sign and verify the petition, or personally, or by attorney, appear on the probate thereof, cause the witnesses to the will to be examined before him. Such examination must be reduced to writing, and for such purpose, they are hereby authorized to administer and certify oaths and affirmations in such cases in the same manner and with the same effect as if administered and certified by the surrogate.

§ 2. This act shall take effect immediately.

Chap. 96.

AN ACT to amend the Greater New York charter, in relation to hail to be furnished by push cart peddlers.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title three of chapter eighteen of the Greater New York charter, as re-enacted by chapter four hundred and sixty-

six of the laws of nineteen hundred and one, is hereby amended by adding thereto a new section to be section fifteen hundred and sixty-six, and to read as follows:

TAKING BAIL FROM PUSH CART PEDDLERS.

§ 1566. If a push cart peddler is arrested in the City of New York for the violation of any ordinance or law requiring a license for such avocation, or for violating a license procured in pursuance of such an ordinance or law, he may, when brought before the police officer, court or magistrate authorized to accept bail for such violation, tender in lieu thereof his push cart, and such police officer, court or magistrate shall accept the same accordingly. If the person so arrested shall fail to appear in answer to such charge, the chattel so pledged as security for his appearance shall be forfeited and placed in the custody of the property clerk of the police department of the City of New York, to be by him disposed of and accounted for at the next succeeding sale of unclaimed property.

§ 2. This act shall take effect immediately.

Chap. 97.

AN ACT to amend the village law, relative to street improvements.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and sixty-six, chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," as amended by chapter three hundred and sixty-five of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 166. The board of trustees may cause a street in the village or part thereof, to be graded or the sidewalk flagged or curbed or the street paved, or any one or more of such acts performed wholly at the expense of the village, or of the owners of the adjoining land, or partly at the expense of each; but such street

shall not be so graded or flagged or curbed or paved wholly at the expense of the owner of the adjoining land, unless a petition be presented to the board of trustees signed by the owners of at least two-thirds of the frontage on the street, or portion thereof, proposed to be so improved, and a hearing given thereon to all persons interested, on a notice of at least ten days. If such improvement is so required to be constructed or repaired wholly at the expense of the owners of the adjoining lands, a notice specifying the place and manner, and the time, not less than thirty days, within which the said improvement is required to be constructed or repaired, shall be served upon the owners. If an owner shall not construct or repair the street as required by the notice, the board of trustees may cause the same to be so constructed or repaired, and assess the expense thereof upon the adjoining land. If a street is to be so improved, constructed or repaired at the joint expense of the village and the owner of the adjoining land, the board of trustees may cause the same to be constructed or repaired, and assess upon the adjoining land the proportion of the expense chargeable against the same; or it may direct the owner to contribute labor or materials therefor. The total amount expended for street paving in any fiscal year from the moneys raised during such year, for street purposes, otherwise than in pursuance of a village election, shall not be more than one-half thereof. No land owner shall be required to grade, flag, curb or pave or bear the expense of so doing any portion of the street not in front of such land, nor beyond the center of the street. All grading done or flagging laid or curb set or pavements laid by the owners of adjoining land shall be laid under the supervision and in accordance with the directions of the board of trustees. The expense of constructing a pavement or any part thereof may be raised in an entire amount or in smaller amounts from time to time, as the board of trustees may determine. If any portion of such expense is to be borne by the village, bonds or certificates of indebtedness may be issued. If such expense or any part thereof is to be assessed upon adjoining land, the board of trustees may apportion it upon the lands and assess the same as a whole or by instalments. Notice of an assessment based upon such apportionment shall be given to the landowners, who may pay the amounts assessed within ten days after such notice. At the expiration of that time bonds or certificates of indebtedness may be issued for the aggregate amount of such assessment

then remaining unpaid. Taxes for the amount of such bonds or certificates issued on account of default in the payment of the amount apportioned upon the adjoining land, shall be levied and collected in the manner prescribed by this chapter in case of unpaid assessments for the construction of sewers.

§ 2. This act shall take effect immediately.

Chap. 98.

AN ACT making an appropriation for the forest, fish and game commission for the payment of the salary and expenses of the special assistant oyster protector for the fiscal year ending on the first day of October nineteen hundred and six.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one thousand and fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, payable by the treasurer, upon the warrant of the comptroller, for the payment of the salary and allowance for expenses, for the fiscal year ending October first nineteen hundred and six, of the special assistant oyster protector provided for under chapter five hundred and eighty-eight of the laws of nineteen hundred and five.

§ 2. This act shall take effect immediately.

Chap. 99.

AN ACT to amend the forest, fish and game law, in relation to lake trout in Dutchess county.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-four of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-

one of the general laws," as amended by chapter three hundred and eleven of the laws of nineteen hundred and four and chapter four hundred and twenty-nine of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 44. **Lake trout; close season.**—The close season for lake trout shall be from October first to April fifteenth, both inclusive, except in Lakes Erie and Ontario, where there shall be no close season; and except in the counties of Ulster, Sullivan, Orange, Rockland, Westchester and Richmond, where the close season shall be from July first to March thirty-first, both inclusive, and except in the county of Dutchess, where the close season shall be from October first to March thirty-first, both inclusive. Lake trout less than fifteen inches in length shall not be intentionally taken or possessed, and if taken, shall without avoidable injury be returned to the waters where taken.

§ 2. This act shall take effect immediately.

Chap. 100.

AN ACT in relation to acquiring a site therefor and the erection of public buildings for the use of Cortland county and the city of Cortland.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mayor of the city of Cortland, the chairman of the board of supervisors of the county of Cortland, Chester F. Wickwire, Charles H. Danes, Stratton S. Knox, Peter D. Muller, Calvin P. Walrad, William J. Buchanan, Frederick B. Nourse, Burdette R. Corning and Frank P. Hakes, are hereby appointed commissioners to purchase or acquire a site, and build, and rebuild and thereafter to maintain, as hereinafter provided, a city and county hall in said city for the use of said city and for the use of the county of Cortland, and a sheriff's office, residence and county jail for the use of said county, and to procure by purchase or by condemnation proceedings such land in said city for that purpose as may be necessary, and the lands so procured shall be

taken in the name of the city of Cortland and county of Cortland, to be held by them in perpetuity for a site for said buildings; but no site therefor shall be adopted, and no land therefor shall be purchased or acquired, until approved, adopted and authorized by both the board of supervisors of the county of Cortland, and the common council of the city of Cortland. The said commissioners if unable to agree with the owners of any real property, required for the purpose of a site for said buildings, for the purchase thereof, may acquire title in the name of said city and county to such lands as said commissioners may deem necessary for such site by condemnation in the manner prescribed by law, and for such purpose may institute and maintain condemnation proceedings in the name of said city and county.

§ 2. The said commissioners before entering upon their duties, shall take and file in the office of the clerk of said county the oath of office prescribed by the constitution. They shall elect one of their number as chairman, who shall preside at their meetings, and perform such other duties as they shall assign to him, but said chairman shall not thereby lose his vote as a commissioner. They shall appoint a clerk, who shall receive a salary to be fixed by them, payable by said city and county, and such clerk shall keep a record of the proceedings of said commissioners, and perform such other duties as the commissioners may prescribe. They shall also designate as the treasurer of said commissioners the county treasurer of said county, who shall, without compensation, in addition to the duties hereinafter prescribed, take charge of, receive and disburse under the direction of said commissioners, all moneys coming into their hands by virtue of this act, and said treasurer shall at such times as said commissioners shall determine, make a detailed statement to them of the condition of said moneys.

§ 3. None of said commissioners shall receive any compensation for his services as such, but each of them shall be entitled to receive his actual disbursements and expenses in the discharge of his duties, the same to be a charge against said city and county according to the ratio herein provided. Any vacancy occurring in their number, caused by death, resignation, removal from Cortland county or otherwise, shall be filled by appointment, to be made by the remaining commissioners. Regular meetings of said commissioners shall be held at such times as may be determined by them, at such places in said city as they may designate. Any other meetings shall be held upon the call of the

chairman or any two of said commissioners at such time and place in said city as he or they shall designate upon reasonable prior notice thereof to each commissioner. A majority of said commissioners shall be a quorum for the transaction of business, but any lesser number may adjourn. Said commissioners may adopt their own rules for the holding of meetings and the transaction of business thereat.

§ 4. Said commissioners may obtain plans and estimates for said buildings, the expense thereof to be a charge upon said city and county, as provided herein, and said commissioners whenever directed so to do by resolutions both of the board of supervisors of the county of Cortland, and of the common council of said city of Cortland, shall upon the lands so acquired as above provided, cause to be built, erected, completed and finished ready for use thereon, including necessary outbuildings, the said city and county hall for the use of the city and county of Cortland, as a courthouse, and for other public purposes, of dimensions and upon a plan which shall furnish accommodation for the county clerk, surrogate, county treasurer, district attorney, county judge, for the supreme court, county court, supreme court chambers, and other courts, for a law library, for the supervisors' rooms, for jury rooms, for the mayor, city attorney, city clerk, city chamberlain, council chamber for aldermen and other official boards, city court, police headquarters and jail, commissioner of charities, superintendent of public works, city engineer, city assessor, superintendent of schools, and generally for the public officers and departments of said city and county of Cortland. The said commissioners shall also determine and designate by a certificate in writing, signed by them, or by a majority of them, what parts of said hall shall be assigned to the use of said courts, the judges and officers thereof, and what parts thereof shall be assigned to the use of the county of Cortland and city of Cortland, which designation shall be in the total proportion of three-fifths to said county and two-fifths to said city. The execution of such certificate shall be acknowledged or proved as deeds of real estate are required to be in order to entitle the same to be recorded, and such certificate shall be recorded in the office of the clerk of said county.

§ 5. Two-fifths of all the expenses of said commission, including clerk's salary and the preliminary plans and estimates of said city and county hall and all other necessary expenses pertaining thereto, and of the expenses incurred in erecting said

hall, including architects' fees and completing and finishing the same ready for use and in acquiring the necessary ground and land as aforesaid for a suitable site and location therefor, shall be borne and paid by the city of Cortland and the remaining three-fifths of said expense by the county of Cortland, and all expenses to be incurred after the erection and completion of said hall and building for necessary repairs and for the warming, lighting, protection and care thereof shall be borne and paid by said county and city in like proportion. Such necessary repairs and warming, lighting, protection and care of said building shall be made and provided for by contract or contracts, each to be entered into by both the mayor of the city of Cortland, and the chairman of the board of supervisors of the county of Cortland, for the time being, and no expense so incurred shall be allowed or directed to be paid by either the board of supervisors of said county or the common council of said city, until the bills therefor have been duly approved by both the said mayor and chairman, except the salaries of employees, which shall have been fixed in writing for a definite period of time, at a definite sum by said mayor and chairman jointly.

§ 6. The said commissioners shall have authority to employ and pay an architect, and also a superintendent and such other necessary assistants, including counsel, as they shall require for the purposes aforesaid. They shall keep a full record of their proceedings and exact and particular accounts of all their receipts and disbursements, which records and accounts shall at all times be open for inspection by the chairman of the board of supervisors of said county and the mayor of said city and of any committee appointed for the purpose by either the board of supervisors of said county, or the common council of said city; and upon completion of their duties, said commissioners shall deposit such record and all other books of accounts and vouchers in the office of the clerk of said county, there to be preserved as records of his office.

§ 7. It shall be a misdemeanor, punishable by fine or imprisonment, for either of said commissioners, or any clerk, architect or superintendent appointed by them, to be in any way or manner interested, directly or indirectly, in furnishing any materials, supplies or labor for the erection of said hall, or in any contract which said commissioners are empowered by this act to make.

§ 8. The said commissioners by consent of seven or more of their number shall designate in the same form and manner as is

provided in section four for the designation of parts of said city and county hall on the site obtained as hereinbefore provided, a certain portion thereof for a residence and office for the sheriff of Cortland county, and for a jail for said county, and any necessary outbuildings, and shall have authority to cause said residence, office and jail to be erected thereon in the same manner as provided herein for the erection of said county and city hall at an expense not exceeding the sum of thirty-five thousand dollars, and all the expenses incurred by said commissioners in obtaining preliminary plans and estimates and in erecting such residence, office and jail shall be paid and borne by the county of Cortland.

§ 9. It shall be the duty of the board of supervisors of said county to borrow, upon the faith and credit of said county, such a sum of money over and above such moneys as they may otherwise have applicable to such purpose as shall be requisite to pay the proportion hereinbefore fixed to be borne and paid by said county of the expenditures which said commissioners are authorized by this act to make for said city and county hall, and for the erection of said sheriff's office, residence and county jail, and to issue the bonds of said county therefor, which bonds shall be signed by the chairman of the board of supervisors and by the county treasurer, and shall be payable at such times, not more than forty years from the date thereof, as the board of supervisors shall determine; such bonds shall bear semi-annual interest at the rate of not over four per centum per annum, and as fast as the money shall be required by said commissioners they shall be negotiated by the chairman of the board of supervisors and county treasurer as hereinafter provided. They shall be registered in the office of the county treasurer and shall be payable at that office or elsewhere as therein provided. The county treasurer shall keep a separate account of the moneys which shall be raised upon said bonds and shall pay therefrom upon the order of said commissioners, or a majority of them, from time to time, such amounts as shall be required to pay the proportion of said county, as hereinbefore fixed, of the expenditures which said commissioners are empowered by this act to make. The negotiation of such bonds shall be by selling the same, by the county treasurer, to the highest bidder at public auction, at not less than par, giving at least ten days' previous notice of the time and place of sale by publication in the Cortland Standard and Cortland Democrat. Said bonds when issued shall contain a

recital therein that they are issued pursuant to the provisions of this act and shall thereupon be and become incontestable for any cause. The treasurer of the county of Cortland is hereby authorized to make advances for the necessary expenditures by the commissioners, on their order, from any funds in his possession, and he shall on the resolution of its board of supervisors borrow money therefor on the faith and credit of said county in the amount and amounts so authorized, prior to the issuing of the bonds herein authorized, and to be reimbursed with interest thereon from the proceeds of the subsequent sales of any of said county bonds. Any premiums realized on a sale of said bonds shall be used as directed by said board of supervisors.

§ 10. It shall be the duty of the board of supervisors of said county to be caused to be raised yearly, by tax upon the taxable property in said county, in the same manner as other taxes are levied, a sum sufficient to pay the interest upon said bonds, when, and as the same shall become due and payable, and, from time to time, in like manner to raise the money necessary to pay the principal of said bonds as they shall fall due.

§ 11. It shall be the duty of the common council through the mayor and chamberlain of the city of Cortland to borrow, upon the faith and credit of said city, such a sum of money as shall be requisite to pay the proportion hereinbefore fixed to be paid and borne by said city of the expenditures which said commissioners are authorized by this act to make and to issue the bonds of said city therefor, which bonds shall be signed by said mayor and chamberlain; shall be payable at the office of the chamberlain of said city or elsewhere as therein provided, not more than forty years from the date thereof; shall bear semi-annual interest at the rate of not over four per centum per annum; shall be duly registered in the office of said chamberlain and as fast as the money shall be required by said commissioners they shall be negotiated by said mayor and chamberlain, as hereinafter provided, and the moneys received upon such negotiation shall be deposited with the chamberlain of said city, who shall keep a separate account thereof and shall pay therefrom, upon the order of said commissioners, or a majority of them, from time to time, such amounts as shall be required to pay the proportion of the city of Cortland, as hereinbefore fixed, of the expenditures which said commissioners are empowered by this act to make. The negotiation of such bonds shall be by selling the same, by the city chamberlain, to the highest bidder, at public auction, at not less

than par, giving at least ten days' previous notice of the time and place of sale, by publication in the city papers designated for the publication of city proceedings. The chamberlain of the city of Cortland is hereby authorized to make advances for the necessary expenditures by the commissioners, on their order, from any funds in his possession, and he shall on the resolution of its common council, borrow money therefor on the faith and credit of said city in the amount and amounts so authorized, prior to the issuing of the bonds herein authorized, and to be reimbursed with interest thereon from the proceeds of the subsequent sales of any of said city bonds. Any premiums realized on a sale of said bonds shall be used as the common council of said city may direct.

§ 12. It shall be the duty of the common council of said city to cause to be raised yearly by tax upon the taxable property in said city, in the same manner as the other general taxes are levied, a sum sufficient to pay the interest upon its said bonds, when and as the same shall become due and payable, and from time to time, in like manner, to raise the money necessary to pay the principal of its said bonds as they shall fall due.

§ 13. No member of the common council of said city, or of the board of supervisors of said county, or city or county officer elected by the people, shall be eligible to the office of commissioner under this act, excepting that the mayor of the city and the chairman of the board of supervisors are to be commissioners ex officio, as before provided. Nor shall any member of said common council or said board of supervisors or any city or county officer, be in any way interested, directly or indirectly, in furnishing any material or supplies, or in any contract made for the erection of any of said buildings or in any contract relating thereto.

§ 14. The work of building or constructing said buildings including materials therefor shall be let by contract or contracts, and after said commissioners shall have given reasonable notice, in two of the principal newspapers in the city and county of Cortland, calling for bids for the performance of said work, then the same shall be let to such responsible bidder at such price as said commissioners may determine, upon his executing to said commissioners a good and sufficient bond with sufficient sureties for the faithful performance of said work. Said commissioners may reject any or all bids and may readvertise for new bids in like manner as many times as they may determine.

§ 15. The whole amount expended by said commissioners by virtue of this act for said city and county hall, including the purchase of a site for said building, as hereinbefore provided, shall not exceed two hundred thousand dollars, including the payment of the cost of employing the architect, superintendent and his assistants, and the clerk and other expenses, as hereinbefore provided, and for erecting and finishing said building and defraying all other necessary expenses pertaining to the building or construction thereof.

§ 16. Said commissioners, may upon the site so chosen and acquired, for said public buildings, as above provided, by a certificate in writing, made, executed and filed as hereinbefore provided, designate a location and locations thereon, on which any additional buildings or structures needed by the city of Cortland may be built or constructed, wholly at the expense of, and for the use of said city.

§ 17. This act shall take effect immediately.

Chap. 101.

AN ACT to amend the highway law, in relation to the construction and maintenance of ditches or drains.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," is hereby amended by adding at the end of article one a new section to be section twenty-seven thereof, and to read as follows:

§ 27. **Drains or ditches for the free passage of water.**—The highway commissioner of any town may, when authorized by the town board, enter upon any lands adjacent to the highway therein for the purpose of opening any existing ditch or drain, or dig a new ditch or drain for the free passage of water for the purpose of draining such highway. When so authorized by the town board, such commissioner of highways may subject to the approval of such board agree with the owner of any such land upon

the amount of damages, if any, sustained by him in consequence of such entry upon his lands in performance of the work hereby authorized, and the amount of damages so agreed upon shall be a town charge and shall be audited and paid the same as other town charges. If the commissioner of highways is unable to agree with such owner upon the amount of damages thus sustained, the amount thereof shall be ascertained, determined and paid in the same manner as damages are so ascertained, determined and paid where new highways are laid out and opened, and the commissioners and land owners are unable to agree upon the amount thereof.

§ 2. This act shall take effect immediately.

Chap. 102.

AN ACT to amend chapter three hundred and eighty-eight of the laws of eighteen hundred and fifty-four, entitled "An act to incorporate the village of Lyons" generally, and the several acts amendatory thereof and supplemental thereto, and repealing section two of chapter twenty-two of the laws of eighteen hundred and fifty-nine.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter three hundred and eighty-eight of the laws of eighteen hundred and fifty-four, entitled "An act to incorporate the village of Lyons," is hereby amended to read as follows:

§ 2. The officers of the village shall be a president, six trustees, one treasurer, one collector, three assessors, a police justice, a village attorney, a clerk, a street commissioner, three police constables, a janitor of the engine house and six inspectors of election. The president, trustees, treasurer, collector, police justice and assessors shall be elective offices. All the other officers shall be appointed by the board of trustees, except as otherwise provided herein. The term of office of the president, treasurer, collector, clerk, street commissioner, village attorney, police constables, janitor of engine house and inspectors of election,

shall be one official year; each trustee elected for a full term and the police justice two official years, and each assessor elected for a full term, three official years. The inhabitants of said village entitled by law to vote at any general election in this state for member of assembly, on the second Tuesday in March in each and every year, at some convenient place in each election district in said village, shall meet in their respective election districts, and by ballot and by plurality of votes of the village at large, shall elect a president, a treasurer, a police justice, one assessor and a collector of said village. One trustee shall be elected in each election district by ballot of the electors in the respective election districts of said village; all of whom shall be residents of said village and qualified voters as above mentioned. Each trustee shall be a resident and qualified voter of the election district in which he shall be nominated and running for office.

§ 2. Section four of chapter three hundred and eighty-eight of the laws of eighteen hundred and fifty-four, is hereby amended to read as follows:

§ 4. The board of trustees shall, by resolution, adopted at least ten days before every village election, designate the place of holding the election in each election district, and shall also ten days before the election cause a notice of the time and place thereof to be published at least once in all of the newspapers printed in said village, and a printed copy thereof conspicuously posted in at least six public places in said village, specifying the time and places of holding the election, the hours of opening and closing the polls thereof, the offices, if any, and the term to be filled, and setting forth in full the propositions to be voted upon. If the board neglects to appoint the place or places for the annual election, the election shall be held at the place or places of the last preceding annual election, and if it neglects to appoint the hours of opening and closing the polls thereof, such hours shall be the same as at the last preceding annual election. Annual election of the village officers shall not be invalid because of a failure to give such notice. A vote upon a proposition shall be void unless due notice of an election has been given. The board of trustees of said village shall, annually, at least thirty days before the annual election, appoint two inspectors of election for each election district to preside at all village elections therein, until their successors are appointed. One of such inspectors shall be chosen from the political party receiving the highest number of votes for governor at the last preceding general elec-

tion, and one from the party receiving the next highest number of votes at such election. The board may also appoint for each district a polling clerk and a ballot clerk.

§ 3. Section nine of chapter three hundred and eighty-eight of the laws of eighteen hundred and fifty-four, as amended by chapter eleven of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 9. The polls, at every election, authorized to be held by this act, shall be open at eight o'clock in the forenoon, and shall be kept open without intermission or adjournment until five o'clock in the afternoon, at which last mentioned hour the said polls shall be closed; and the inspectors of election of each election district shall, immediately upon the closing of the polls at each annual election, prepare a canvass of the votes cast thereat, and shall complete said canvass without adjournment. They shall, at nine o'clock in the forenoon of the following day, file with the village clerk their certificate setting forth the holding of the election, the total number of votes cast for each office, the total number of votes cast for each person for such office, the total number of votes cast upon each proposition voted upon and the number cast for and against it. The board of trustees of said village shall meet at its usual place of meeting, at nine o'clock in the forenoon of the next day after the election. The village clerk shall produce at said meeting the returns of the inspectors of election and the board of trustees shall canvass such returns, and file in the office of the village clerk the certificate declaring the result. The person eligible and receiving the highest number of votes for the office shall be elected thereto. If two or more persons receive an equal number of the greatest number of votes cast for the same office, the board of trustees shall determine by lot which of them shall be deemed elected.

§ 4. Chapter three hundred and eighty-eight of the laws of eighteen hundred and fifty-four as amended is hereby further amended by inserting therein a new section to be eleven-a and to read as follows:

§ 11-a. In all cases of arrest without a warrant the police justice shall demand and receive the same fees, costs and expenses therein as are provided by law to be paid to a justice of the peace of a town for like service, when a warrant is issued, except the fee for the issuing of the warrant, and the same shall be audited as a town or county charge as the case may be by the

proper auditing board in favor of the village of Lyons. All orders or warrants for such claims shall be made payable to the treasurer of the village, who shall collect the amount thereof.

§ 5. Section one of chapter twenty-two of the laws of eighteen hundred and fifty-nine, entitled "An act to amend an act passed April seventeenth, eighteen hundred and fifty-four, entitled 'An act to incorporate the village of Lyons,'" is hereby amended to read as follows:

§ 1. The corporate limits of the village of Lyons, in the county of Wayne, is hereby divided into three divisions or districts, as follows: District number one shall comprise all that portion of said village of Lyons lying south of the Erie canal. District number two shall comprise all that portion of said village of Lyons west of a line commencing at the intersection of the old Sodus road with the northern boundary line of said village, running thence southerly on the center line of said road and on the center line of Maple street and of William street to the Erie canal. District number three shall comprise all that portion of said village lying east of the east line of district number two and north of the Erie canal herein; and hereby expressly intending to comprise within said district all the inhabitants residing on the east side of said old Sodus road and said Maple and William streets and north of the Erie canal.

§ 6. Section two of chapter twenty-two of the laws of eighteen hundred and fifty-nine is hereby repealed.

§ 7. Nothing in this act, however, shall in any way affect the term of office of any of the village officers now in office.

§ 8. This act shall take effect September one, nineteen hundred and six.

Chap. 103.

AN ACT to make the office of county clerk of Ulster county a salaried office, and regulating the management of said office.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Each clerk of the county of Ulster, hereafter to be elected, shall receive as compensation for his services an annual

salary of three thousand five hundred dollars. Such salary shall not be increased or diminished during the term for which such clerk shall have been elected.

§ 2. It shall be the duty of said clerk to perform all services which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office, for the state, for the county, and for individuals, including his duties as clerk and crier of every court of which he is or shall be clerk or crier; and no compensation, payment or allowance shall be made to him for his own use or for any such service, except the salary aforesaid, and except for the payments made to him for searching and certifying the title to and encumbrances upon real property as hereinafter allowed.

§ 3. All the fees, emoluments and perquisites which such clerk shall charge or receive, or which he shall be legally authorized, required or entitled by law to receive, except the fees by him received for searching and certifying the title to and encumbrances upon real estate, shall belong to the county of Ulster. It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments and perquisites for said county, and such clerk shall require payment in advance for recording all papers left with him for record, and shall also, in each case, require payment for all other services rendered by him or his assistants in his or their official capacity by virtue of any law of this state or by order of the board of supervisors of said county or any duty that may hereafter by law be devolved upon him. The said county clerk may make such charge for searching and certifying the title to and incumbrances upon real property as he may deem just and proper, but such charge shall not in any case exceed the charge now allowed by law for such service; and the fees and moneys by said county clerk received for such searching and certifying the title to and incumbrances upon real estate shall belong to the said county clerk in addition to the salary hereinbefore provided.

§ 4. In a proper book or books, to be provided at the expense of said county, such clerk shall keep an exact and true account of all official services performed by him or his assistants, and of all moneys, fees, perquisites and emoluments received or chargeable to him or them pursuant to law. Such book or books shall constitute a part of the records of said office, and shall, at all times during office hours, be open to inspection, without fee or charge therefor, and to all persons desiring to examine them.

§ 5. Such clerk shall make a full and true statement for each calendar month of all moneys received each day by him or by his assistants, for fees, perquisites and emoluments, by this act belonging to the said county, for all services rendered by him or his assistants in their official capacity, and shall transmit and deliver such statement to the county treasurer of said county within five days from the expiration thereof. Such statement shall specify, in the following order, the amounts so received for the calendar month:

For recording deeds

For recording mortgages

For recording other documents and papers

For docketing judgments and canceling dockets

For copies and exemplifications of papers and records

For filing papers, and for any and all other services

and shall also show the total receipts for said month. Every such statement shall have attached thereto an affidavit of said county clerk in effect that the same is in all respects a full and true statement of all moneys by him received as herein required.

§ 6. At the time of rendering every such statement, such clerk shall pay over to the county treasurer of the county of Ulster, for the benefit of said county, the whole amount of the moneys so received by him since making the last preceding monthly statement.

§ 7. Every county clerk elected or appointed in such county, shall before entering upon the duties of said office, execute to the people of the state, and file with the county treasurer of the said county, a bond in the penal sum, of five thousand dollars with two or more sufficient sureties, or a bond of a fidelity and surety company authorized by the laws of this state to transact business therein; such bond shall be conditioned that said county clerk shall well and faithfully discharge all the duties of his office and all trusts imposed on him by law or by virtue of his office, and shall safely keep and pay over to the county treasurer as herein provided, all moneys which shall come into his hands. Said bond shall be approved as to its form and sufficiency of sureties, by the county judge of Ulster county, and if any such clerk shall neglect for thirty days to execute or file any such bond according to the provisions of this act, his office shall thereupon become vacant.

§ 8. The said county clerk shall appoint one deputy clerk, whose salary shall be thirteen hundred dollars per annum; he

may also appoint four assistants, each of whom shall receive a salary of six hundred dollars per annum, all of whom shall hold office at the pleasure of said county clerk. The salaries and compensation of the said county clerk and of his assistants shall be paid monthly by the county treasurer upon the certificate of the county clerk showing the amount due to each and for what due. Nothing herein contained shall prohibit said county clerk from appointing such special deputy clerks or additional assistants as he may deem wise, but such special deputy clerks or additional assistants shall serve without expense to the county of Ulster.

§ 9. The deputy clerk and assistants shall at all times perform and do all such work and services in and about the county clerk's office and in attendance upon the several terms of court which may from time to time be held within the county of Ulster, as the county clerk may from time to time direct and require, and all such clerks are to be under the direction, supervision and control of the said county clerk, and at all times during their and each of their periods of employment.

§ 10. Any county clerk, deputy county clerk, special deputy clerk or other clerk referred to in this act who shall receive to his own use, or neglect to account for any fees, perquisites, or emoluments, by this act declared to belong to and be for the benefit of the county of Ulster or who shall neglect to render to the said county treasurer an account of all fees received at his office, or to pay over the same as herein required, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment or both at the discretion of the court before whom such officer may be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for.

§ 11. The county clerk may require bonds, subject to his approval, from his deputy or special deputy or other employees in his office to secure him for the faithful performance of their duties.

§ 12. The said county clerk shall present to the board of supervisors annually during the month of November in each year a full report, duly verified, of all the receipts of the office, the amount paid over to the county treasurer and the amounts certified by him to be due his assistants for services together with disbursements for postage, expressage or other incidental expenses

of his office, which account the board of supervisors shall examine and if found correct audit and allow the same.

§ 18. All acts and parts of acts inconsistent herewith are hereby repealed.

Chap. 104.

AN ACT to amend the military code, relative to relief from civil or criminal liability, security for and award of costs.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fourteen of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting chapter sixteen of the general laws," as amended by chapter three hundred and ten of the laws of nineteen hundred and five, is hereby amended so as to read as follows:

§ 14. **Relief from civil or criminal liability; security for costs.**—Members of the militia ordered into the active service of the state by any proper authority, shall not be liable civilly or criminally, for any act or acts done by them while on duty. When an action or proceeding of any nature shall be commenced in any court by any person against any officer of the militia for any act done by such officer in his official capacity in the discharge of any duty under this chapter, or an alleged omission by him to do an act which it was his official duty to perform, or against any person acting under the authority or order of any such officer, or by virtue of any warrant issued by him pursuant to law, the defendant may require the person instituting or prosecuting the action or proceeding, to file security for the payment of costs that may be awarded to the defendant therein, and the defendant in all cases may make a general denial and give the special matter in evidence. A defendant, in whose favor a final judgment is rendered in an action or a final order is made in a special proceeding, shall recover treble costs.

§ 2. This act shall take effect immediately.

Chap. 105.

AN ACT to amend the military code relative to armories.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-three of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting chapter sixteen of the general laws," as amended by chapter two hundred and forty of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 143. Armories shall be used only by troops and cadet corps of organizations of the national guard and the naval militia and for such other military purposes as may be approved by the adjutant-general; except that they may be used by posts of the grand army of the republic, or other veteran organizations of honorably discharged union soldiers, sailors or marines, of the late war of the rebellion or of the Spanish-American war, as provided in section one hundred and thirty-seven of this chapter; and by educational institutions where military instruction is imparted, with the approval of the commanding officer of the armory, and his brigade commander, provided the military instructor of such institution is an officer of the army or navy of the United States, or of the national guard or naval militia of this state, or has, within five years, passed an examining board for officers of this state, and on occasions of state or national importance, upon the recommendation of the major-general commanding the national guard, the commanding officer of the brigade of the national guard in whose jurisdiction the armory is located and the officer in charge of the armory; and under such restrictions as it may prescribe the armory commission shall have the power to allow the use of armories for such other purposes as may appear to it expedient and for the best interests of the military service and of the state; provided however that no armory shall be so used more than twice nor more than twenty days in the aggregate in any one year, and then only on the delivery to the commanding officer of the brigade in whose jurisdiction the armory is located, of a bond approved by him and

executed by the person, association, partnership, or corporation proposing to use the armory, and a surety company approved by such commanding officer and in an amount approved by him, conditioned that such person, association, partnership or corporation will indemnify and save harmless the state and the county in which the armory is located, and the military organizations occupying the armory, against any loss, damage, cost or expense which may accrue or be incurred by reason of such use, to the armory or any property therein, or connected therewith, owned by the state or county or by such military organizations and also to pay all expenses of heating, lighting, and for janitor or other services connected with such use. A bond given as herein provided may be prosecuted for breach of the conditions thereof in the name of the people by a judge advocate, and all moneys recovered shall be paid to the state or county treasurer, or to the military organizations, as the case requires.

§ 2. This act shall take effect immediately.

Chap. 106.

AN ACT creating the offices of police justice and assistant police justice, in the village of Port Chester, in the county of Westchester, and to provide for the raising annually an amount sufficient to pay the salaries of said officers.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Port Chester, New York, may by a majority vote of all the trustees of said village taken and recorded by calling the ayes and noes ordain and resolve that a proposition shall be submitted to the taxable inhabitants and voters of the said village, at any special meeting of the inhabitants of said village called for that purpose or at the time fixed for any annual election as provided to be held by section five of title two of chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Port Chester," for the creation

of the offices of police justice and assistant police justice of the said village.

§ 2. **Creating police justice.**— The board of trustees of the village of Port Chester, shall, within thirty days after the adoption of such proposition by a majority vote of all the members of said board, to be taken and recorded by calling the ayes and noes appoint an officer to be known as the police justice of the village of Port Chester. The said police justice shall be a resident and elector of the said village and a freeholder therein, and shall hold office for a term of one year or until his successor shall have been appointed and qualified, and shall enter upon the discharge of his duties, within ten days following his appointment. Within sixty days before the expiration of said term in every year thereafter the said board of trustees shall, in like manner, appoint a police justice. In case the said board of trustees shall not make said appointment as aforesaid, in the first instance, or in any year when the appointment should be made, then and in that case, the president of the village of Port Chester may appoint a police justice for the said term, which appointment shall be evidenced by his filing with the village clerk his designation in writing of the person to fill the said position for the said term. In like manner, there shall also be appointed for the village of Port Chester, an acting police justice for the said term. From time to time when a vacancy shall occur in either of the said offices the said board of trustees may fill the same, or in case they cannot agree within ten days after such vacancy shall occur, the president of the village may fill the vacancy for the unexpired term.

§ 3. **Jurisdiction.**— The said police justice may hold a court of special sessions in said village, and shall have, in the first instance, jurisdiction to hear, try and determine charges of a misdemeanor committed within said village and triable by a court of special sessions, subject to the right of removal, as provided by the code of criminal procedure, to a court having the authority to inquire by the intervention of a grand jury into offenses committed within the county. Such police justice shall have jurisdiction to take the examination of a person charged with the commission in said village of a crime not triable by a court of special sessions; and also jurisdiction to hear, try and determine charges against a person of being a vagrant, tramp or disorderly person within said village, or of having committed disorderly conduct therein; and to take such proceedings in

cither of such cases as may be taken by a justice of the peace, with all the powers and subject to all the duties and liabilities of a justice of the peace in respect thereto, and shall also have jurisdiction in all cases of violation of the by-laws, ordinances or regulations of said village or of any board or department thereof. Said police justice shall have all the power and authority and be subject to all the duties and liabilities of a justice of the peace in issuing warrants for the arrest of a person charged with the commission of a crime or disorderly conduct in the county of Westchester, but if the offense is charged to have been committed outside the village limits, the person arrested by such process shall be taken before another magistrate of the town in which such offense is charged to have been committed, and the papers upon which such process shall issue shall be delivered to such magistrate, who shall proceed thereon as though such warrant had been issued by him upon such paper. A person arrested upon a criminal warrant issued by a justice of the peace upon a charge of committing a crime or an offense of a criminal nature within said village, or that shall have been found to have been committed within the limits of said village, may be taken before the police justice of said village and the papers upon which the process was issued delivered to such police justice, and he shall proceed thereon, as though said warrant had been issued by him originally. All persons lodged in the Port Chester lockup except those under sentence, or those awaiting a day for trial that has been fixed, may be taken before the said police justice daily in the forenoon by the keeper of the lockup or the officer in possession of a warrant for the said person, and he shall pass upon the legality of the confinement of all such prisoners and order their discharge if justice requires it, and the said police justice shall daily keep a record thereof. A violation of this provision shall be punishable as a misdemeanor. The said police justice shall be subject to the same duties and liabilities and his judgment and proceedings may be appealed from, or reviewed in the same manner and to the same extent as is now or may hereafter be by law provided in the case of justices of the peace or courts of special session. He shall have power to administer oaths, and to take affidavits and acknowledgments. Every person appointed police justice of said village shall before entering upon the duties of his office take and file with the clerk of Westchester county the constitutional oath of office. He shall file with the clerk of the county of West-

chester a copy of his signature for comparison of all affidavits, acknowledgments or other legal papers signed, sworn to or acknowledged before him as police justice.

§ 4. **Acting police justice.**— The acting police justice shall during the absence of the police justice from the village, or his inability to perform the duties of his office, have all the powers, rights and duties and be subject to all the liabilities of the police justice within said village, and he shall have the power and authority at any and all times to issue a warrant, but without compensation, unless the police justice shall be absent from the village or unable to act, which fact shall be attested by the monthly certificate of the police justice, but in case the said police justice shall be able to hear the matter when the prisoner shall be arraigned, all subsequent proceedings shall be had before them.

§ 5. **Compensation.**— The said police justice shall receive for his services the sum of fifteen hundred dollars per annum, payable monthly. The said acting police justice shall receive for his services the compensation of five dollars per day when he shall be called upon to act in the place or stead of the said justice, in case of his absence or inability to act, but the compensation of the said acting police justice, that shall be paid from the public treasury shall not exceed in one year the sum of one hundred and twenty-five dollars, in addition to such sums as he shall be paid from the police justice's salary. In case of the absence or inability of the said police justice to act, the number of days in excess of the said twenty-five days hereby allowed, the said compensation of the said acting police justice shall be deducted from the salary of the said police justice. In the monthly statement in this act required to be made by the said police justice to the board of trustees, there shall also be a statement as to the number of days that the said acting police justice has been called upon to serve, and when the said number of days shall in any one year exceed twenty-five, the officers of the village of Port Chester shall deduct the amount due said acting police justice in excess of said one hundred and twenty-five dollars from the compensation of the police justice and issue drafts to the said justice and acting police justice, accordingly.

§ 6. The said police justice or acting justice, shall receive no fees or compensation for his own use in any criminal matter. All fines, penalties and other fees received by either of them shall be paid to the treasurer of the village of Port Chester, who

shall give a receipt therefor, on or before the first day of each and every month. The said police justice shall render to the board of trustees of the village of Port Chester, a sworn statement on the first day of each and every month, which shall set forth in detail the name of each prisoner and full particulars of all the criminal business transacted by him during the month, and shall also contain a statement of all fines received by him, and shall be accompanied by the receipt of the treasurer of the village that the amount of the said fines have* been paid to him, and it shall be a misdemeanor for the officers of the village of Port Chester to pay the salary of the said police justice unless the said statement shall have been so filed as aforesaid, accompanied by the proper voucher.

§ 7. The board of trustees of the village of Port Chester shall furnish in said village proper accommodations for the said police court and proper furniture and all necessary articles and supplies for the proper conducting of the same; they shall also furnish all blanks and a docket and also an account book wherein the said police justice shall keep a perfect and accurate record of all matters coming before him and all accounts that he may have with the village, which said docket shall be properly indexed, and all such records shall be owned by and be public records of the village of Port Chester, and turned over by the said police justice to his successor.

§ 8. The said police justice shall open court daily, except Sunday and legal holidays at nine o'clock ante meridian,* for the transaction of such business as shall come before him; said police justice shall keep an account of all criminal business and services rendered by him or any constable or police officer of the village of Port Chester, that have heretofore or may hereafter be a county or town charge if performed by a justice of the peace, or town constable of the town of Rye, or police department of the village of Port Chester. It shall be the duty of the said police justice to make in the name of the village of Port Chester a bill of all such services duly verified by him to the town of Rye, or to the county of Westchester, or any proper auditing body charged by law with that duty, and such accounts shall be a charge respectively against the said town or county, with the same force and effect as if the services had been performed and the amount of claim presented, by a justice of the peace or con-

* So in original.

stable of the town, or by the police department of the village of Port Chester. The amount allowed by the board of supervisors of Westchester county or the auditing board of the town of Rye, shall be paid by the officer charged with the payment thereof to the treasurer of the village of Port Chester and credited to the police justice fund.

§ 9. If said police justice or the acting police justice shall be absent, or unable to perform said duties, then any justice of the peace of the town of Rye, residing in said village who may be designated by the president of said village and evidenced by his filing with the village clerk his designation in writing of such justice of the peace, shall have the same jurisdiction and powers and perform the same duties and be subject to the same regulations and penalties in all respects as said police justice, during the time he shall act. But no justice of the peace shall receive any fee, emolument or pay from any source for the performance of any service in any manner of which said police justice has jurisdiction, except as provided by this act.

§ 10. Jury list.—The town clerk of the town of Rye shall furnish the said police justice with a copy of a list of the jurors which the law prescribes, shall be furnished to the justices of the peace of towns.

§ 11. Civil jurisdiction.—Said police justice shall have the same jurisdiction as justices of the peace of towns in civil actions to recover a penalty or forfeiture payable to the village.

§ 12. The acting police justice shall have all powers and be subject to all the duties imposed herein upon the police justice whenever he shall act as such justice.

§ 13. The board of trustees of the village of Port Chester are authorized and empowered to raise money by tax to be assessed upon the estate, real and personal within the bounds of said corporation, to be collected from the several owners and occupants thereof annually, a sum not exceeding one twenty-fifth of one per centum of the total assessed valuation of the real and personal property in said village as appears upon the assessment-roll of the preceding year for the purpose of defraying the expenses necessary from time to time of carrying into effect the provisions of this act, to be known as the police justice fund, but all fines received by the treasurer of the village of Port Chester from said justice and all moneys received by the village from the county and town for his services shall be applied to the expenses of said court.

§ 14. All the powers given to the board of trustees of the village of Port Chester and to the police justice and acting police justice, shall be in addition to all powers now given such officers by the charter of the village of Port Chester, the general village law or any general statute, and all acts and parts of acts, and the charter of the village of Port Chester inconsistent herewith are hereby repealed as affecting the village of Port Chester and town of Rye.

§ 15. This act shall take effect immediately.

Chap. 107.

AN ACT to amend the insanity law, relative to buildings for the holding of religious services.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the insane, constituting chapter twenty-eight of the general laws," as amended by chapter three hundred and eighty of the laws of nineteen hundred, is hereby amended to read as follows:

§ 6. General powers.—The commission is charged with the execution of the laws relating to the custody, care and treatment of the insane, as provided in this act not including feeble-minded persons and epileptics as such and idiots. They shall examine all institutions, public and private, authorized by law to receive and care for the insane, and inquire into their methods of government and the management of all such persons therein. They shall examine into the condition of all buildings, grounds and other property connected with any such institution, and into all matters relating to its management. For such purpose each commissioner shall have free access to the grounds, buildings and all books and papers relating to any such institution. All persons connected with any such institution shall give such information, and afford such facilities for any such examination or inquiry as the commissioners may require. The commission may,

by order, appoint a competent person to examine the books, papers and accounts, and also into the general condition and management of any institution to the extent deemed necessary and specified in the order. The commission may endeavor to secure legislation from congress to provide more effectually for the removal of alien and nonresident insane, and may expend a reasonable sum therefor, from the moneys appropriated for the use of the hospitals. The commission may permit any religious or missionary corporation or society to erect a building on the grounds of any state hospital, for the holding of religious services, to be used exclusively for the benefit of the inmates and employees of the state hospital, subject to such conditions as may be imposed by the commission.

§ 2. This act shall take effect immediately.

Chap. 108.

AN ACT to amend chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers;" relative to the powers of the mayor.

Became a law, March 23, 1906, with the approval of the Governor. Passed, three-fifths being present.

Not accepted by the City.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein, and define its jurisdiction and powers," is hereby amended by inserting therein a new section, to be known as section one hundred and fifteen-a, and to read as follows:

§ 115-a. If at any meeting of said common council, a tie vote shall be had on any question, resolution or appointment, and said common council shall adjourn or take any recess in excess of one hour, with said question, resolution or appointment re-

maining at a tie vote, the mayor, at the next stated or special meeting of said common council, may sit with and be considered a member of said common council for the purpose of making a quorum, and shall preside at such meeting in the place of the presiding officer, selected pursuant to sections eight and one hundred and fourteen of this act, which said presiding officer shall exercise at such meeting the usual functions of an alderman only; and said mayor shall at such meeting vote upon any question, resolution or appointment, which may have stood at a tie vote as aforesaid at the preceding meeting, and said mayor may also vote on any question, resolution or appointment considered or acted upon at such meeting.

§ 2. This act shall take effect immediately.

Chap. 109.

AN ACT to terminate the use of streets, avenues and public places in the city of New York, in the borough of Manhattan, by railroads operated by steam locomotive power at grade.

Became a law, March 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of rapid transit commissioners in and for cities having over one million inhabitants is hereby empowered and directed as speedily as possible to prepare a plan for the removal of the tracks of railways now operated by steam locomotive power, laid on, across, through or along the public streets, avenues, or public parks or places of the city of New York, in the borough of Manhattan, at grade; and to terminate the operation thereon of any railway by steam locomotive power; and to take such action in that regard as herein provided. In carrying out the duties imposed by this act, said board of rapid transit commissioners and their various officers and agents shall have and enjoy all the powers now conferred on them by chapter four of the laws of eighteen hundred and ninety-one and also amendments thereto now in force, so far as the same may be applicable to the purpose of this act, together with all the powers

which any board, commissioner or public officer now has to regulate the manner of exercise on, across, through or along such streets, avenues, or public parks or places of any public franchise heretofore granted to any such steam railway company, including the right to regulate or require changes to be made for the public convenience or benefit in the use of such streets, avenues, public parks or places by such railroad company, and all other powers in that regard expressed or implied in any such franchise granted to any such railway company so operated to operate a railroad on, across, through or along avenues, streets, or public parks or places of the borough of Manhattan.

§ 2. The said board of rapid transit commissioners is hereby empowered and instructed to prepare a plan and make an agreement with any railroad company or companies now so operating a railroad by steam locomotive power in the borough of Manhattan, in the city of New York, which railroad is now operated at grade as aforesaid in said borough, said plan and agreement to provide in detail for the construction by the railroad company or companies at its or their own cost of a subway under the roadbed of the present tracks or under such other street or streets, avenues or public or private property as may be agreed upon, to which said tracks shall be removed and on which shall be operated, subject to the regulation of the board of rapid transit commissioners, a freight, passenger or freight and passenger railway business under a franchise, the terms and duration whereof shall be in such agreement fixed and determined, and such plan and agreement further to provide that as a condition of said agreement and as a part of the consideration therefor, all present franchises of every kind on, across, through and along such streets, avenues and public parks and places where said railroad is so operated by such steam locomotive power at grade shall be surrendered and canceled and the tracks thereof shall at the cost of the railroad company or companies be removed therefrom and that the right and franchise to operate said railroad thereon shall cease. The board of rapid transit commissioners may grant to said company or companies an additional franchise to lay in said subway such additional tracks as may be agreed upon and to operate thereon a freight, passenger or freight and passenger business, under such terms and for such compensation as shall be fixed by said board in said grant. It shall be further stipulated in said agreement that the consent of the board of rapid transit com-

missioners shall be obtained and proper compensation be fixed by said board as a condition to said company or companies making any connection or connections between said subway and other subways, to be owned or occupied by said company or companies or by any other company or companies.

§ 3. The board of rapid transit commissioners may further provide in said plan for the construction of such pipe galleries in, along and through said subway as they may deem necessary for the public use; and provide for the expense of constructing the same to be borne by the city of New York, said pipe galleries to be and remain the property of the city of New York. If the board of estimate and apportionment shall provide for the construction of pipe galleries to contain sewers, pipes or other sub-surface structures, the said galleries shall be maintained by the city of New York and shall be in the care and charge of the said board and subject to such regulations as it shall prescribe not inconsistent with the provisions of this act, and any revenue derived therefrom shall be paid into the treasury of said city. Provided, however, that any person or corporation who or which, at the time of the construction of the said galleries shall own pipes, subways or conduits in a street, avenue or public place in which said galleries shall be constructed pursuant to this act, shall be entitled to the use of such galleries for his or its said pipes, subways or conduits in the same manner as the said person or corporation shall be entitled by law to the use of such street, avenue or public place, and that no rent shall be charged for such use, except a reasonable charge to defray the actual cost of maintenance, unless such pipes, subways or conduits shall be of a greater capacity than those theretofore owned by such person or corporation in said street, avenue or public place, and that, if the capacity of any such pipe, subway or conduit so placed in the said galleries shall be increased, the rent shall be charged only for such increased capacity; and provided, further, that the placing in any such galleries of the subways or conduits of any corporation owning subways or conduits for electrical conductors, shall not in any wise affect the right of such corporation to charge and demand such compensation or rent for the use of said subways or conduits by other corporations or individuals as is, or may be, permitted by law. Whenever the construction of any railway, depressed way, subway or tunnel under the provisions of this act shall interfere with, disturb or endanger any sewer, water pipe, gas pipe, or other duly authorized sub-

surface structures, the work of construction at such points shall be conducted in accordance with the reasonable requirements and under the supervision of the officer or local authority having the care of and the jurisdiction or control over such subsurface structures so interfered with, disturbed or endangered. All expenses incidental to such supervision and to the work of reconstructing, readjusting and supporting any such sewer, water pipe, gas pipe or other duly authorized subsurface structure shall be borne and paid by the railroad company or companies now operating such railroad by steam locomotive power. Said plan shall provide further, the time within which such work shall be done which shall be under the supervision and the control of the board of rapid transit commissioners. The board of rapid transit commissioners shall prepare such plan, and the maps and drawings necessary thereto as speedily as possible. No agreement for the changes proposed by this act or for the plan herein provided for, shall be binding or take effect until the contract, the said plan and the maps in connection therewith, prepared by and under the direction of the board of rapid transit commissioners, shall have been submitted to the board of estimate and apportionment of the city of New York and shall have been approved by said board. Upon said approval, the said contract may be executed by the board of rapid transit commissioners and said railroad company or companies and shall thereupon be binding upon the city of New York, upon said board of rapid transit commissioners and upon said railroad company or companies. After said contract shall have gone into effect, the enforcement thereof and of the several provisions therein contained shall be a part of the duties of said board of rapid transit commissioners, which shall in its own name take such proceedings in law or in equity as may be from time to time necessary to enforce the same.

§ 4. In case the board of rapid transit commissioners shall be unable within twelve months after this act takes effect to agree as herein provided with such railroad company upon a plan as contained in the preceding section and obtain the approval thereof of the board of estimate and apportionment, the said board of rapid transit commissioners shall thereupon condemn all and any rights, privileges and franchises of any such railway company or companies to operate by locomotives using steam or other power cars or trains for carrying freight and passengers at grade on, across, through or along streets, avenues, public parks or places

of the city of New York, borough of Manhattan and cause the tracks of such railroad or railroads to be removed therefrom. It shall cause to be prepared three similar maps or plans showing the streets, avenues, public parks and places on which any such railroad company now operates or has any franchise or right to operate such steam railway at grade in said city and borough and showing the location thereon of the tracks, if any, of such railway whose tracks or appurtenances or whose right to conduct such railway are to be so condemned as herein provided. Such maps or plans when adopted and approved by said board shall be disposed of in like manner as maps or plans of property to be condemned under the provisions of chapter four of the laws of eighteen hundred and ninety-one as amended; and the provisions of said chapter relative to the condemnation of property for public use, so far as the same may be applicable and not in conflict with the provisions of this act, shall apply to the proceedings to be had hereunder. Said board shall after the filing of said maps or plans direct the counsel to the corporation of the city of New York to take legal proceedings to acquire by condemnation all such valid or lawful franchises of any such company operating such railway in said city, and the tracks and appurtenances thereof in such public streets, avenues, public parks or places as shown in said map or plans. Said counsel to the corporation shall thereupon cause to be served on the president or other officer upon whom a summons against such corporation might be served in an action of the railway corporation or corporations whose franchise or right to operate such railway or railways is to be condemned, or whose tracks or property is to be affected by such proceeding, ten days prior to the date on which the same is made returnable, notice of an application for the appointment of commissioners for the condemnation of such franchise or franchises and of such tracks or appurtenances thereto, and shall accompany such notice with a copy of a petition signed by a majority of the members of said board and verified in the manner prescribed by law for the verification of pleadings, setting forth the action or determination theretofore taken or had by said board in respect to the franchises, rights, privileges or property to be acquired, and the filing of said maps or plans and praying for the appointment of said commissioners of appraisal for the purpose of condemning terminating and acquiring such franchises, rights, privileges and property therein specified. Said petition shall contain a general description of the fran-

chises, grants, easements, tracks, properties or appurtenances sought to be acquired or extinguished and such notice, so served, shall be sufficient notice to such corporation without publication thereof. Said application shall be made to the supreme court at a special term in the judicial district in which said city is situated. The provisions of chapter four of the laws of eighteen hundred and ninety-one as amended relative to the acquisition of property for public uses thereunder shall apply to such application and to the appointment, powers, procedure, compensation and report of the commissioners and other public officers acting for the purpose of such condemnation under this act. Said commissioners shall take testimony and shall make a report with all convenient speed, which report shall include, among other matters deemed to be relevant and proper in such report, a statement of the source, nature and extent of each franchise, privilege or right lawfully possessed by such railway company or companies as found by them and condemned and terminated in such proceeding, the value thereof and, if more than one franchise, they shall state such values separately, a statement of the tracks, property and appurtenances so condemned and the value thereof. Such report shall fix the compensation if any, which the commissioners find to be reasonable and proper to be made to such railway company or companies for such franchise so condemned and terminated and for the tracks, property and appurtenances thereto so taken and condemned. Notice of an application to confirm such report may be given by any party thereto, by serving a copy of said report on the attorney or attorneys for the railroad corporation or corporations or upon the counsel to the corporation with notice that an application shall be made for such confirmation to the supreme court not less than ten days thereafter at a time and place therein provided and no publication of notice or of the filing of such report shall be required.

§ 5. No such franchise shall terminate nor shall the right, title or interest of such railroad company or companies in the same or in the tracks, properties or appurtenances to be condemned and acquired in such proceeding, cease or terminate until the entry of a final order made by the supreme court confirming the report of such commissioners and the court on making such order shall fix a date not more than one year thereafter on which the right to operate such railway or exercise such franchise and to use such tracks, property or appurtenances shall cease and determine, and in case an appeal be taken from such order of confirmation such time shall be further extended for a like period after the

entry of an order of affirmance on such appeal. During such period it shall be lawful for such railroad company or companies to continue the use of such franchise or franchises or of the tracks, property or appurtenances sought to be condemned or acquired, as if no such proceeding had been instituted. The award, if any, made to such commissioners and confirmed by said court shall become payable on the expiration of such period with interest thereafter, and such award with the cost and expenses incident to such proceeding shall be borne and paid by the city of New York by the issue and sale of corporate stock of the city of New York, and the board of estimate and apportionment shall be authorized to issue and sell such stock as shall be necessary for such purpose, in like manner as corporate stock is by law issuable for the payment of damages awarded by commissioners of estimate and assessment in reports confirmed in proceedings taken to open streets, roads, avenues, boulevards or public parks. Such corporate stock may be authorized to be issued by said board without the concurrence or approval of any other public board or body.

§ 6. The board of rapid transit commissioners is authorized and empowered to discontinue any and all legal proceedings taken under this act for condemning such franchise or franchises and acquiring the tracks, property or appurtenances of such railway company or companies or any part thereof at any time before the confirmation of the report of the commissioners in such proceeding, if, in its opinion, the public interest requires such discontinuance and with power to cause new proceedings to be taken in such cases for the appointment of new commissioners.

§ 7. Nothing in this act contained shall be construed in any wise to abridge or affect the powers of the city of New York or of any proper and authorized board or public officer of said city to prevent the unlawful use by any railway company or corporation or* any street, avenue, public park or place in said city.

§ 8. Nothing in this act contained shall be held to affect or apply in any way to a corporation operating a steam surface railroad in the city of New York for the purpose only of transporting freight from its wharves, docks or piers to its freight yards or depots in said city over tracks not more than one-half mile in length.

§ 9. This act shall take effect immediately.

* So in original.

Chap. 110.

AN ACT to release to Francis Neher all the right, title and interest of the people of the state of New York in and to certain real estate situated in the twenty-second ward of the city and county and state of New York, acquired by escheat, upon the death of Elizabeth Mattson.

Became a law, March 27, 1906, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the estate, right, title and interest of the people of the state of New York, acquired by escheat upon the death of Elizabeth Mattson, of, in and to all that certain lot, piece or parcel of land situate, lying and being in the twenty-second ward of the city and county and state of New York, bounded and described as follows: Commencing at a point on the northerly side of Fifty-fifth street, distant one hundred and forty feet easterly from the northeasterly corner of Fifty-fifth street and Eighth avenue; running thence northerly parallel with Eighth avenue and part of the way through the center of a party wall, one hundred feet five inches; thence easterly parallel with Fifty-fifth street, twenty feet; thence southerly parallel with Eighth avenue and part of the way through the center of a party wall one hundred feet five inches to the northerly side of Fifty-fifth street; thence westerly along the same, twenty feet to the point or place of beginning; is hereby released to and vested in Francis Neher of the borough of Manhattan, city of New York, and his heirs and assigns forever.

§ 2. Nothing herein contained shall be construed to impair or affect the rights in said real estate of any heir, devisee, purchaser or creditor by judgment, mortgage or otherwise, in and to said premises or any part or parcel thereof, nor effect* any action or proceeding now pending.

§ 3. This act shall take effect immediately.

* So in original.

Chap. 111.

AN ACT to amend the tax law in relation to reports of the state comptroller and the payment to the state treasurer of taxes on taxable transfers.

Became a law, March 28, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and forty-a of the tax law, as added by chapter one hundred and seventy-three of the laws of nineteen hundred and one, and amended by chapter three hundred and sixty-eight of the laws of nineteen hundred and five, is hereby further amended to read as follows:

§ 240-a. **Report of state comptroller; payment of taxes.**—The state comptroller shall deposit all taxes collected by him under this article in a responsible bank, banking house or trust company in the city of Albany, which shall pay the highest rate of interest to the state for such deposit, to the credit of the state comptroller on account of the transfer tax. And every such bank, banking house or trust company, shall execute and file in his office an undertaking to the state, in the sum, and with such sureties, as are required and approved by the comptroller, for the safe keeping and prompt payment on legal demand therefor of all such moneys held by or on deposit in such bank, banking house or trust company, with interest thereon on daily balances at such rate as the comptroller may fix. Every such undertaking shall have endorsed thereon, or annexed thereto, the approval of the attorney-general as to its form. The state comptroller shall on the first day of each month make a verified return to the state treasurer of all taxes received by him under this article, stating for what estate, and by whom and when paid; and shall credit himself with all expenditures made since his last previous return on account of such taxes, for salary, refunds, or other purposes lawfully chargeable thereto. He shall on or before the tenth day of each month pay to the state treasurer the balance of such taxes remaining in his hands at the close of business on the last day of the previous month, as appears from such returns.

§ 2. This act shall take effect immediately.

Chap. 112.

AN ACT to amend chapter one hundred and sixteen of the laws of eighteen hundred and ninety-seven, entitled "An act to make the office of county clerk of Washington county a salaried office, and regulating the management of said office," relative to the number of appointees and the salary of each.

Became a law, March 28, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter one hundred and sixteen of the laws of eighteen hundred and ninety-seven, entitled "An act to make the office of county clerk of Washington county a salaried office, and regulating the management of said office," is hereby amended so as to read as follows:

§ 8. There shall be one deputy clerk, one special deputy clerk and not less than two assistants or record clerks, and the said county clerk shall be responsible for their official acts; and the salaries of the said clerk, deputies and assistants shall be paid in the same manner as the salaries of other county officers are paid. The salary of the deputy clerk shall be one thousand dollars per annum; the salary of the special deputy clerk eight hundred dollars per annum, and the salaries of the assistants six hundred dollars each per annum.

§ 2. This act shall take effect immediately.

Chap. 113.

AN ACT making an appropriation for the rebuilding of the sewerage system, and other repairs, to the quarantine establishment on Swinburne island.

Became a law, March 28, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any

money in the treasury, not otherwise appropriated, for the construction, repair, and rebuilding the sewerage system connected with the quarantine established for the port of New York on Swinburne island, for the laying of new pipes, and mains, and other repairs necessary to and upon the island. The expenditure of which sum has been approved by the comptroller, and attorney-general, as provided in section eighty-three of the public health law, as amended by chapter two hundred and sixty-eight of the laws of nineteen hundred.

§ 2. The plans and specifications for the construction, rebuilding, and repair of such pipes, mains, and sewerage system on said island shall be prepared by the state engineer and surveyor, and he shall control and supervise, as such state engineer and surveyor, the work of such construction, rebuilding, and other repairs. Such plans and specifications shall be subject to the quarantine commission.

§ 3. The work authorized by this act shall be done by contract or contracts let by the commissioners of quarantine and approved by the state engineer and surveyor. The money appropriated by this act shall not be available for the purposes above specified, except for advertising, unless contracts shall have been first made, according to the plans and specifications prepared by the state engineer and surveyor, for the completion of the work within the appropriation hereby made. All contracts in an amount greater than one thousand dollars shall have the performance thereof secured by a good and sufficient bond, to be approved by the comptroller as to the amount thereof and the sufficiency of the sureties. Such bond and a copy of the contract and specifications shall be filed in the office of the comptroller. A contract in an amount less than one thousand dollars need have no security bond, provided payment is made only after the work is completed and approved.

§ 4. The money hereby appropriated can only be paid upon the warrant and audit of the comptroller, upon bills duly certified and rendered to him by the commissioners of quarantine as the work progresses, and in accordance with the terms of the contract let for the performance of such work, as provided in this act.

§ 5. This act shall take effect immediately.

Chap. 114.

AN ACT to amend chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, entitled "An act to amend, consolidate and revise the charter of the village of Peekskill and the several acts amendatory thereof," in relation to the construction and maintenance of public docks within the village.

Became a law, March 28, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of title five of chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, entitled "An act to amend, consolidate and revise the charter of the village of Peekskill and the several acts amendatory thereof," is hereby amended by adding a new subdivision to be subdivision thirty-seven thereof, and to read as follows:

37. To submit to an annual village election or to a special village election, which the board of trustees is hereby authorized to call for such purpose, a proposition authorizing the board of trustees to construct a public dock or docks in such village, together with the necessary approaches thereto from the village streets, and to acquire the necessary lands and lands under water for such purpose, and to issue the bonds of the village for the expense thereof in an amount not exceeding an amount to be specified in such proposition. Such proposition shall also specify whether the whole amount of bonds issued for such purpose is to be paid in one instalment or in equal annual instalments, and if so how many. If such proposition is adopted the board of trustees may cause the bonds of the village to be issued in accordance therewith. Such bonds shall become due within thirty years from the date of issue, and shall be issued in the manner provided by section one hundred and twenty-nine of the village law. If the board of trustees is unable to agree with the owner or owners of lands or lands under water needed for the construction of a proposed dock or docks, together with the necessary approaches thereto from the public streets of the village, as authorized by this section, it may acquire the same in the manner that land needed for streets and bridges is authorized to be acquired by title seven of this act. Upon the completion of such

a dock or docks, the board of trustees may determine whether the same shall be controlled by the village or leased for a term of years not exceeding five. If the board of trustees determines that such dock or docks shall be controlled by the village, it shall adopt a scale of fees to be charged the public for the use thereof. Such fees, if such dock is controlled by the village, or if leased, the amount paid by the lessee therefor, shall be paid to the village treasurer and become part of the general fund of the village.

§ 2. This act shall take effect immediately.

Chap. 115.

AN ACT to amend section one of title sixteen, chapter eight, part three of the revised statutes, relative to the drainage of low lands.

Became a law, March 28, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title sixteen, chapter eight, part three of the revised statutes, as amended by chapter eight hundred and eighty-eight of the laws of eighteen hundred and sixty-nine, and chapter six hundred and thirty-six of the laws of eighteen hundred and eighty-six, is hereby amended to read as follows:

§ 1. Any person or persons owning or possessing any swamp, bog, meadow, or other low or wet lands within this state, who shall be desirous to drain the same and who shall deem it necessary in order thereto, that a ditch or ditches or other channels for the free passage of water should be opened through lands belonging to another person or other persons, and any person or persons who shall deem it necessary for the public health that any such swamp, bog, meadow or low or wet lands should be drained, or that the outlet of any pond should be deepened or cleared out so as to permit the free passage of the waters of such pond through such outlet, may present a petition, duly verified, to the county court of the county in which such lands lie, or in case the same are situated in more than one county, to the

supreme court, setting forth the fact and the names of the owners of all lands to be affected by the proceedings, so far as the same can with reasonable diligence be ascertained, and praying for the appointment of three commissioners for the purposes and with the powers hereinafter set forth. Two or more applications under this section respecting different lands or parcels within the same town or incorporated village, may be made by one proceeding or petition, or two or more such proceedings or petitions may, in the discretion of the court, upon the application of any party in interest, be consolidated, and one commission be appointed for all, and in such case the proceedings shall continue thenceforth as if but one petition had been presented, or one proceeding commenced. The application provided for by this section may be made by the supervisor of any town on behalf of the town, or by the president of the board of trustees of any incorporated village on behalf of said village. The provisions of this title shall apply, so far as practicable, to proceedings for deepening and clearing out the outlet of any pond so as to permit the free passage of waters therefrom, and to the performance of the work required therefor, and to the assessment and the payment of the cost of such work.

§ 2. This act shall take effect immediately.

Chap. 116.

AN ACT to legalize the special election of the village of Montour Falls, held for the purpose of voting upon the question of raising moneys to carry on the excavation of Catharine creek, and to authorize such village to issue notes pursuant to a proposition adopted thereat.

Became a law, March 29, 1906, without the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The special election of the village of Montour Falls, county of Schuyler, called by the board of trustees and held upon the twenty-third day of October, nineteen hundred and five, at which election a proposition for the raising of a sum of money, not to exceed two thousand dollars, to finish the excavation on

Catharine creek, and empowering and authorizing the trustees of said village to borrow same, was submitted and adopted, is hereby legalized and shall be deemed to be as valid and binding as if the provisions of the charter of such village had been complied with in all respects. All the acts and proceedings of the board of trustees of such village based upon the proposition so adopted at such election are hereby legalized and confirmed. The board of trustees of such village of Montour Falls is hereby authorized to issue notes thereof in the amount stated in the proposition submitted to and adopted at such special election, notwithstanding any provisions to the contrary contained in the charter of such village and the acts amendatory thereof.

§ 2. This act shall not affect any action or proceeding now pending in any court.

§ 3. This act shall take effect immediately.

Chap. 117.

AN ACT to amend the code of civil procedure, relative to the fees of constables and deputy sheriffs.

Became a law, March 29, 1906, without the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-three hundred and twelve of the code of civil procedure, is hereby amended to read as follows:

§ 3312. A constable or a deputy sheriff is entitled, for attending a sitting of a court of record, pursuant to a notice from the sheriff, to the following fees: For each day's actual attendance, in any county in the state, two dollars, except that in the counties of Albany, Wyoming, and Genesee the compensation shall be three dollars, and mileage as allowed by law to trial jurors in courts of record, and except also in the county of Westchester, where the compensation shall be three dollars per day, and except also that in the counties of Orange, Cayuga, Wayne, Orleans and Ontario, the board of supervisors may allow to such constables and deputy sheriffs for attending a sitting of a court of record pursuant to such notice not exceeding three dollars per day and mileage as aforesaid. Those fees must be paid by the

county treasurer, upon the production of the certificate of the clerk, stating the number of days that the constable or deputy sheriff attended. But the provisions of this section shall not be applicable to the counties of Kings, New York and Erie. All other acts or section of acts conflicting herewith are hereby repealed.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 118.

AN ACT authorizing the city of Lockport to raise money for police purposes, and for the purpose of refunding excess city and school taxes paid during the years nineteen hundred and four and nineteen hundred and five.

Became a law, March 29, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. For the year nineteen hundred and six, the common council of the city of Lockport is hereby authorized to borrow the sum of nine thousand dollars for police purposes, and for the purpose of refunding excess city and school taxes paid during the years nineteen hundred and four, and nineteen hundred and five and may issue bonds for the same. Said bonds shall bear interest at not to exceed four per centum per annum payable semi-annually, and shall not be sold at less than par. Said bonds shall be signed by the mayor and countersigned by the city clerk of said city, and be sealed with the city seal, and the principal and interest thereof shall be payable at the office of the city treasurer of said city, or at such other place as the common council thereof shall designate. The city treasurer shall invite sealed proposals for said bonds at public advertisement for not less than ten days and shall award the same to the highest bidder or bidders therefor, provided that no proposals for said bonds shall be accepted for less than the par value of the same. One-sixth of the amount of the principal of the bonds so issued shall become due and payable one year after the date of issue, and one-sixth of the principal thereof each and every year thereafter

until said bonds shall be fully paid. The common council of said city is hereby authorized to raise by general tax levy in each and every year after the passage of this act, the amount of principal and interest of said bonds due in each such year, or it may direct that said principal and interest be paid from the general fund. The moneys received from the sale of said bonds shall be placed by the city treasurer to the credit of the following funds, namely: Three thousand dollars thereof to the credit of the police fund, to be used for the completion and fitting of the police station now being erected in said city; and six thousand dollars thereof to the credit of a fund to be known as the excess tax fund, the same, or so much thereof as may be necessary, to be used for the purpose of refunding the excess city and school taxes paid by the Holly manufacturing company during the years nineteen hundred and four and nineteen hundred and five, and the surplus, if any, remaining in said excess tax fund shall be transferred by said common council to the credit of the general fund.

§ 2. This act shall take effect immediately.

Chap. 119.

AN ACT to authorize the comptroller to hear and determine the application of Charles L. Weeks for cancellation of the tax sale made by the comptroller in the year nineteen hundred of subdivision number four of lot number four of Rogers (Platt) and company's road patent, Essex county.

Became a law, March 29, 1906, with the approval of the Governor. Passed, three fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the comptroller of the state to hear and determine the application of Charles L. Weeks for cancellation of the tax sale of nineteen hundred of subdivision number four of lot number four in Rogers (Platt) and company's road patent, Essex county, said Weeks claiming to be the owner thereof; and the comptroller is hereby authorized to act upon said application in the same manner and with the same effect as if the application were made

by the purchaser at the tax sale within the time prescribed by law. Said application shall be heard and granted only upon the ground that the taxes for the alleged nonpayment of which the tax sale was made, were duly paid.

§ 2. Prior to the hearing on said application the said Charles L. Weeks shall cause to be served upon the attorney-general of the state a notice of said hearing, which notice shall be served at least fourteen days before the date of the hearing.

§ 3. This act shall take effect immediately.

Chap. 120.

AN ACT to authorize the comptroller to receive, admit and credit to the county treasurer of the county of Sullivan arrears of taxes upon lands of nonresidents, in said county, for the years nineteen hundred and two and nineteen hundred and three.

Became a law, March 29, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The comptroller is hereby authorized to receive, admit and credit to the treasurer of the county of Sullivan, all unpaid taxes and arrears of taxes returned by the collector of the town hereinafter named to the treasurer of said county for the years, nineteen hundred and two and nineteen hundred and three, upon the lands of nonresidents and corporations in the town of Fremont in said county, and which shall be transmitted to said comptroller on or before the first day of May next, by said county treasurer certified by him, except such taxes as shall be found to be erroneous and such as shall be found charged on lands erroneously or imperfectly described, and the said taxes shall be charged upon said nonresident lands and corporations and shall be enforced and collected in the like manner and with the like effect as if they had been levied, returned and transmitted to said comptroller, and admitted by him, as required by law for the years nineteen hundred and two and nineteen hundred and three.

§ 2. This act shall take effect immediately.

Chap. 121.

AN ACT to extend the corporate existence of the Richmond county mutual insurance company.

Became a law, March 30, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The corporate existence of the Richmond* mutual insurance company is hereby extended for one year with the same force and effect as if its original charter had not expired.

§ 2. This act shall take effect immediately.

Chap. 122.

AN ACT to legalize the proceedings of the inhabitants, and of the board of education, of union free school district number one, of the town of Hadley, Saratoga county, and the town of Luzerne, Warren county, relative to acquiring a site and constructing a new school building in said district, and to provide for the issuance of the bonds of said district to defray the cost of the same.

Became a law, April 2, 1906, without the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The organization and establishment of the union free school district known as union free school district number one, in the town of Hadley, Saratoga county, and in the town of Luzerne, Warren county, is hereby ratified and confirmed.

§ 2. All the acts and proceedings of the inhabitants of said union free school district, done and had at a special school district meeting held February fifteenth, nineteen hundred and four, at which a resolution was adopted by a majority vote, authorizing the board of education of said district to erect a new school building therein at not to exceed the cost of eighteen thousand dollars, are hereby legalized ratified and confirmed, notwithstanding the omission of any lawful requirement in such acts or proceedings, or in the notice for said special school district meeting.

* So in original.

§ 3. All the acts and proceedings of the inhabitants of said union free school district, done and had at a special school district meeting held September twenty-sixth, nineteen hundred and four, at which a resolution was adopted by a majority vote, designating a site for a new schoolhouse in said district, and authorizing the board of education thereof to purchase said site at the price of five thousand three hundred dollars, are hereby legalized, ratified and confirmed, notwithstanding the omission of any lawful requirement in such acts or proceedings, or, in the notice for said special school district meeting.

§ 4. All the acts and proceedings of the inhabitants of said union free school district, done and had at the last above special school district meeting held pursuant to adjournment on the tenth day of October, nineteen hundred and four, so far as the same relates to authorizing the board of education of said union free school district to issue and sell the bonds of said district to the amount of twenty-three thousand dollars for the purpose of defraying the cost of said school site and the expense of the construction of said schoolhouse, are hereby legalized, ratified and confirmed, notwithstanding the omission of any lawful requirement in such acts or proceedings.

§ 5. For the purpose of giving effect to the foregoing proceedings, the board of education of said union free school district is hereby authorized and empowered to issue and sell the bonds of said district to the amount of twenty-three thousand dollars, payable in equal annual instalments of one thousand dollars each, the first of which shall be payable not more than one year from their date; they shall bear interest at the rate of four per centum per annum, payable annually, and shall be negotiated for not less than their par value; due notice of the time and place of the sale of such bonds shall be given as provided by section ten, of article three, of title eight of the consolidated school law; they shall be signed by the president of the board of education of said district, and attested by the clerk under the corporate seal, and shall be a charge upon said district and paid at maturity.

§ 6. The board of education of said union free school district, in the manner provided by law, shall cause such sums to be raised annually, by tax, as may be necessary to pay the interest and principal of said bonds, as the same shall become due.

§ 7. This act shall take effect immediately, but shall not affect any action or proceeding pending in any court at the time it takes effect.

Chap. 123.

AN ACT providing for the election of directors in mutual life insurance corporations.

Became a law, April 2, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The annual election of directors of every domestic mutual life insurance corporation, whether incorporated by a special act or under a general law, which otherwise according to its charter or by-laws would be held hereafter and prior to November fifteenth, nineteen hundred and six, shall be postponed and held on said date and the directors of said corporations whose terms would otherwise earlier expire shall continue to hold office until said date and until their successors are elected; and on said date the terms of office of all the directors of every domestic mutual life insurance corporation shall expire, anything to the contrary in the charter or by-laws thereof notwithstanding. On said fifteenth day of November, nineteen hundred and six, the annual meeting of every such corporation shall be held at a time and place which shall be fixed by the board of directors and an entire new board of directors shall then be elected. The said elections shall be under the supervision of the superintendent of insurance who shall appoint at least three policy-holders of each corporation holding such an election to act as inspectors thereof. No votes shall be cast at any such election under any proxy executed prior to the fifteenth day of September, nineteen hundred and six, and all proxies executed heretofore or prior to said date authorizing any vote to be cast at any election of directors of any domestic mutual life insurance corporation shall be void.

§ 2. The new boards of directors elected as hereinbefore provided shall forthwith elect new officers of said corporations respectively and the terms of office of any and all officers of said corporations then in office shall expire upon the election and qualification of their successors, anything in the charter, by-laws or in the terms of the appointment or election of such officers to the contrary notwithstanding.

§ 3. The said new boards of directors shall divide themselves by lot into two classes as nearly equal as may be, one class to hold office until the annual meeting of the company to be held in accordance with its charter or by-laws in the year nineteen hundred and eight, and the other class to hold office until the annual

meeting to be so held in the year nineteen hundred and nine. There shall be no election of directors at the annual meeting in nineteen hundred and seven. At the annual meeting in nineteen hundred and eight and at each annual meeting thereafter directors shall be elected for a term of two years in the place of those whose terms of office then expire.

§ 4. This act shall take effect immediately.

Chap. 124.

AN ACT to change the name of the Evangelical Congregational Church, of Schenectady, New York, a religious corporation, to the First Congregational Church of Schenectady, New York.

Became a law, April 3, 1906, without the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of the Evangelical Congregational Church, of Schenectady, New York, a religious corporation, is hereby changed to the First Congregational Church of Schenectady, New York, and as such shall enjoy and exercise all the rights and powers it has heretofore possessed.

§ 2. Nothing herein contained shall in any way impair or affect any contract, liability, obligation or duty of said religious corporation, made, entered into, or incurred before the passage of this act, with or to any person or persons, firm or firms, corporation or corporations, with or to said religious corporation, or any proceedings instituted, or that may be instituted to enforce any contract, obligation, liability, or duty in favor or against said religious corporation; but any and all such contracts, obligations, liabilities, duties and proceedings shall be, and remain valid and binding in all respects to the same extent, and liable to be enforced by and against said religious corporation by the name of the First Congregational Church of Schenectady, New York, in the same manner as if the alteration contained in said act had not been made.

§ 3. This act shall take effect immediately.

Chap. 125.

AN ACT in relation to illuminating gas in the city of New York and regulating the quality and pressure thereof and the price to consumers other than said city and providing a penalty for violation.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. A corporation, association, copartnership or person engaged in the business of manufacturing, furnishing or selling illuminating gas in the city of New York, except in the fifth ward of the borough of Queens and in that portion of the borough of the Bronx formerly contained in the towns of Eastchester and Pelham, shall not charge or receive for gas manufactured, furnished or sold in said city a sum per one thousand cubic feet in excess of the following rates:

1. In the borough of Manhattan, in the first ward of the borough of Queens, in the borough of Brooklyn except the thirtieth and thirty-first wards thereof, and in the borough of the Bronx, except that portion of it formerly contained in the town of Westchester outside of the villages of Wakefield and Williamsbridge, eighty cents.

2. In the second and fourth wards of the borough of Queens, and in the thirtieth ward of the borough of Brooklyn, one dollar.

3. In the third ward of the borough of Queens, in the thirty-first ward of the borough of Brooklyn, and in the borough of Richmond, one dollar and twenty-five cents for the remainder of the year nineteen hundred and six; one dollar and twenty cents during the year nineteen hundred and seven; one dollar and fifteen cents during the year nineteen hundred and eight; one dollar and ten cents during the year nineteen hundred and nine; one dollar and five cents during the year nineteen hundred and ten; and one dollar thereafter.

4. In that portion of the borough of the Bronx formerly contained in the town of Westchester, outside of the villages of Wakefield and Williamsbridge, one dollar and fifteen cents during the years nineteen hundred and six, nineteen hundred and seven and nineteen hundred and eight; one dollar and ten cents during the year nineteen hundred and nine; one dollar and five

cents, during the year nineteen hundred and ten; and one dollar thereafter.

§ 2. The illuminating gas furnished by any such corporation, association, copartnership or person shall have an illuminating power of not less than twenty-two sperm candles of six to a pound, burning at the rate of one hundred and twenty grains of sperm-aceti per hour tested at a distance of not less than one mile from the distributing holder by a burner consuming five cubic feet of gas per hour and each one hundred cubic feet of gas shall not contain more than five grains of ammonia nor more than twenty grains of sulphur nor more than a trace of sulphuretted hydrogen. The pressure of illuminating gas in any service mains in the said city at any distance from the place of manufacture shall not be less than one inch, nor more than two and one-half inches.

§ 3. Any corporation, association, copartnership or person violating any provision of this act shall forfeit the sum of one thousand dollars for each offense to the people of the state.

§ 4. This act shall not apply to gas furnished or sold to the city of New York.

§ 5. Chapter three hundred and eighty-five of the laws of eighteen hundred and ninety-seven, entitled "An act to regulate the price of illuminating gas in cities of fifteen hundred thousand inhabitants," and all other acts or parts of acts inconsistent herewith are hereby repealed.

§ 6. This act shall take effect on the first day of May, nineteen hundred and six.

Chap. 126.

AN ACT to amend chapter one hundred and sixty-six of the laws of eighteen hundred and eighty-six, entitled "An act to authorize James V. Quick to establish and maintain a ferry across the Cayuga lake at Kidder's ferry," in relation to extending the franchise.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter one hundred and sixty-six of the laws of eighteen hundred and eighty-six, entitled "An act to authorize James V. Quick to establish and maintain a ferry

across the Cayuga lake at Kidder's ferry," is hereby amended to read as follows:

§ 1. It shall be lawful for James V. Quick, his heirs and assigns, to establish and maintain a ferry across the Cayuga lake, in the counties of Cayuga and Seneca, from or near the termination of the turnpike road, on lot number two, in the town of Genoa, on the east side of said lake, to or near the dock or landing place of Myron R. Coleman at Kidder's ferry, on the west side of said lake, for and during the term of twenty years, from the fifth day of April, nineteen hundred and six.

§ 2. This act shall take effect immediately.

Chap. 127.

AN ACT to amend the code of civil procedure, in relation to the sale, mortgaging or leasing of the contingent interests of infants not in being, in real property.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-three hundred and fifty-eight of the code of civil procedure, is hereby amended to read as follows:

§ 2358. A deed, mortgage, release of an inchoate right of dower, or lease, made in good faith, as prescribed in this title, either upon an application in behalf of the infant or an incompetent person, or pursuant to the directions contained in a judgment rendered against him, has the same validity and effect, as if executed by the person in whose behalf it was executed, and as if the infant was of full age or the lunatic, idiot, or habitual drunkard was of sound mind and competent to manage his or her affairs. And the same shall be valid and effectual to vest in any purchaser or purchasers any interest therein of any infant not in being, at the time of the said sale, and any mortgage so executed shall be a valid lien and charge upon the contingent interest of any infant not in being, at the time of the execution and delivery of the same. And a release of an inchoate right of dower as authorized by this title shall have the same effect as if the wife had joined with the husband in a deed or conveyance of the property affected

thereby and had duly acknowledged the same in the manner required by law to pass the estate of married women.

§ 2. Section twenty-three hundred and sixty-one of the code of civil procedure, is hereby amended to read as follows:

§ 2361. The court must, by order, direct the disposition of the proceeds of such a sale, mortgage or lease. It must direct the investment of any portion thereof belonging to the infant or incompetent person, which is not needed for the payment of debt, or the safekeeping, or the immediate maintenance and education, of himself or his family, or for the preservation or improvement of his real property or his interest in real property. It must require a report, under oath, of the disposition and investment thereof, to be made as soon as practicable, and must compel periodical accounts to be rendered thereafter by each person, who is intrusted with the proceeds, or any part thereof. Where an inchoate right of dower is released as prescribed in this title, and such release is to accompany a sale by the husband of the property to which the inchoate right of dower attaches, the court shall make an order requiring one-third of the amount realized on the sale of the property to which the inchoate right of dower attached to be invested by the special guardian, or paid into the court to be held for the benefit of the husband during his life and upon his death for the benefit of the wife during her life, or the court may direct said amounts to be paid to the husband upon his giving a bond in the penalty of at least double the amount so received for such release, with at least two sureties, who shall justify in double the amount of such penalty, conditioned for the repayment as the court shall direct by his executors or administrators of such amount upon the death of the husband. Where an inchoate right of dower is released as prescribed in this title, and, at the time of the application, the property to which the inchoate right of dower attaches has already been sold by the husband, and the wife has not joined in the conveyance or otherwise released her inchoate right of dower, the court shall make an order that, as the consideration for the release, or as part of the consideration therefor, there may be paid to the special guardian or into the court an amount to be fixed by the court as equal to one-third of the fair market value of the property, to be invested by the special guardian or held by the court for the benefit of the person making such payment during the life of the husband, and upon his death for the benefit of the wife during her

life, and upon her death to be returned to the person making such payment or to his executors, administrators or assigns; or in lieu of such payment the court may allow a bond to be given in the penalty of at least double the amount so fixed as equal to one-third of the fair market value of the property, with at least two sureties, who shall justify in double the amount of such penalty, conditioned for the payment as the court shall direct, upon the death of the husband leaving the wife surviving, of the said sum so fixed as equal to one-third of the fair value of the property, to be held for the benefit of the wife during her life and upon her death to be returned to the person giving such bond or to his executors, administrators or assigns. In case by any contingency, infants not in being may thereafter become possessed of any interest in said premises so sold, mortgaged or leased, the court, in case of a sale, shall cause the proceeds of the sale, after paying the costs and expenses of the same, to be placed at interest for the benefit of the persons who are, or who may ultimately be entitled to the same, and shall not authorize the distribution of the same in advance of such contingency, except upon a petition of some person entitled thereto, and upon filing a bond in such penalty as the court shall direct, with two or more sureties approved by the court, and conditioned that in case of any contingency by which any infant not then in being shall thereafter become entitled to any of the proceeds of the sale, that said petitioner will pay to said person or persons his or their proportionate share of the money so paid over to said petitioner; and in the case of the mortgaging of said real estate the proceeds of the same, after paying costs and expenses, shall be paid out and disbursed under the direction of the court only for the purpose of paying lawful charges thereon, or repairing, improving, building upon or otherwise enhancing in value any real estate so mortgaged as aforesaid.

§ 3. This act shall take effect immediately.

Chap. 128.

AN ACT to amend chapter five hundred and thirty-eight of the laws of nineteen hundred and four, entitled "An act in relation to the registration and identification of motor vehicles and the use of the public highways by such vehicles," providing for the release from custody and furnishing of bail by persons charged with violation of the motor vehicle law.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section six of chapter five hundred and thirty-eight of the laws of nineteen hundred and four, entitled "An act in relation to the registration and identification of motor vehicles and the use of the public highways by such vehicles," is hereby amended to read as follows:

Subdivision 3. **Release from custody, bail et cetera.**—In case the owner of a motor vehicle shall be taken into custody because of a violation of any provision of this act, he shall be forthwith taken before an accessible captain or a sergeant or acting sergeant of police in any city or village, or any justice of the peace or magistrate, and be entitled to an immediate hearing; and if such hearing cannot then be had be released from custody on giving a bond or undertaking executed by a fidelity or surety company organized under the laws of this state and having a deposit of at least two hundred thousand dollars with the superintendent of insurance of this state, said bond or undertaking to be in an amount not exceeding the maximum fine for the offense with which the owner is charged and to be conditioned for the owner's appearance in answer for such violation at such time and place as shall then be indicated; or on giving his personal undertaking to appear in answer for such violation, at such time and place as shall then be indicated, secured by the deposit of a sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof, by leaving the motor vehicle, being operated by such person with such officer; or in case such officer is not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest, and depositing with such officer a sum equal to the maximum fine for the offense for which

such arrest is made, or in lieu thereof, by leaving the motor vehicle, being operated by such person, with such officer, provided, that in such case the officer making such arrest shall give a receipt in writing for such sum or vehicle and notify such person to appear before the most accessible magistrate, naming him, on that or the following day, specifying the place and hour. In case security shall be deposited, as in this subdivision provided, it shall be returned to the person depositing, forthwith on such person giving a bond or undertaking of a fidelity or surety company, as in this section provided, or on such person being admitted to bail as provided in section five hundred and fifty-four of the code of criminal procedure, and the return of any receipt or other voucher given at the time of such deposit. In case such undertaking of a fidelity or surety company be not given, or such personal undertaking with security or such deposit shall not be made by an owner so taken into custody, the provisions of section five hundred and fifty-four of the code of criminal procedure, shall apply.

§ 2. This act shall take effect immediately.

Chap. 129.

AN ACT to amend the labor law, relative to labor in tenements.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter one hundred and ninety-one of the laws of eighteen hundred and ninety-nine and chapter five hundred and fifty of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 100. **Manufacturing, altering, repairing or finishing articles in tenements.**—No tenement-house nor any part thereof shall be used for the purpose of manufacturing, altering, repairing or finishing therein, any coats, vests, knee-pants, trousers, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, dresses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur gar-

ments, skirts, shirts, aprons, purses, pocketbooks, slippers, paper boxes, paper bags, feathers, artificial flowers, cigarettes, cigars, umbrellas, or articles of rubber, nor for the purpose of manufacturing, preparing, or packing macaroni, spaghetti, ice cream, ices, candy, confectionery, nuts, or preserves, without a license therefor as provided in this article. But nothing herein contained shall apply to collars, cuffs, shirts or shirt waists made of cotton or linen fabrics that are subjected to the laundrying process before being offered for sale. Application for such a license shall be made to the commissioner of labor by the owner of such tenement-house, or by his duly authorized agent. Such application shall describe the house by street number or otherwise, as the case may be, in such manner as will enable the commissioner of labor easily to find the same; it shall also state the number of apartments in such house; it shall contain the full name and address of the owner of the said house, and shall be in such form as the commissioner of labor may determine. Blank applications shall be prepared and furnished by the commissioner of labor. Upon receipt of such application the commissioner of labor shall consult the records of the local health department or board, or other appropriate local authority charged with the duty of sanitary inspection of such houses; if such records show the presence of any infectious, contagious or communicable disease, or the existence of any uncomplied with orders or violations which indicate the presence of unsanitary conditions in such house, the commissioner of labor, may, without making an inspection of the building, deny such application for a license, and may continue to deny such application until such time as the records of said department, board or other local authority show that the said tenement-house is free from the presence of infectious, contagious or communicable disease, and from all unsanitary conditions. Before, however, any such license is granted, an inspection of the building sought to be licensed must be made by the commissioner of labor, and a statement must be filed by him as a matter of public record, to the effect that the records of the local health department or board or other appropriate authority charged with the duty of sanitary inspection of such houses, show the existence of no infectious, contagious or communicable disease nor of any unsanitary conditions in the said house; such statement must be dated and signed in ink with the full name of the employee responsible therefor. A similar statement similarly signed, showing the results of the inspection of the said building must also be filed in

the office of the commissioner of labor before any license is granted. If the commissioner of labor ascertain that such building is free from infectious, contagious or communicable disease, that there are no defects of plumbing that will permit the free entrance of sewer air, that such building is in a clean and proper sanitary condition and that the articles specified in this section may be manufactured therein under clean and healthful conditions, he shall grant a license permitting the use of such building, for the purpose of manufacturing, altering, repairing or finishing such articles. Such license shall be framed, such frame to be furnished by the commissioner of labor upon receipt by him of one dollar for which a receipt in writing shall be given, and shall be posted by the owner in a conspicuous place in the public hallway on the entrance floor of the building to which it relates. It may be revoked by the commissioner of labor if the health of the community or of the employees requires it, or if the owner of the said tenement-house, or his duly authorized agent fails to comply with the orders of the commissioner of labor within ten days after the receipt of such orders, or if it appears that the building to which such license relates is not in a healthy and proper sanitary condition. In every case where a license is revoked or denied by the commissioner of labor the reasons therefor shall be stated in writing, and the records of such revocation or denial shall be deemed public records. Where a license is revoked, before such tenement-house can again be used for the purposes specified in this section, a new license must be obtained, as if no license had previously existed. Every tenement-house and all the parts thereof in which any of the articles named in this section are manufactured, altered, repaired or finished shall be kept in a clean and sanitary condition and shall be subject to inspection and examination by the commissioner of labor, for the purpose of ascertaining whether said garments or articles or part or parts thereof, are clean and free from vermin and every matter of an infectious or contagious nature. An inspection shall be made by the commissioner of labor of each licensed tenement-house not less than once in every six months, to determine its sanitary condition, and shall include all parts of such house and the plumbing thereof. Before making such inspection the commissioner of labor may consult the records of the local department or board charged with the duty of sanitary inspection of tenement-houses, to determine the frequency of orders issued by such department or board in relation to the said tenement-house, since the last

inspection of such building was made by the commissioner of labor. Whenever the commissioner of labor finds any unsanitary condition in a tenement-house for which a license has been issued as provided in this section, he shall at once issue an order to the owner thereof directing him to remedy such condition forthwith. Whenever the commissioner of labor finds any of the articles specified in this section manufactured, altered, repaired or finished, or in process thereof, in a room or apartment of a tenement-house, and such room or apartment is in a filthy condition, he shall notify the tenants thereof to immediately clean the same, and to maintain it in a cleanly condition at all times; where the commissioner of labor finds such room or apartment to be habitually kept in a filthy condition, he may in his discretion cause to be affixed to the entrance door of such apartment a placard calling attention to such facts and prohibiting the manufacture, alteration, repair or finishing of said articles therein. No person, except the commissioner of labor, shall remove or deface any such placard so affixed. None of the articles specified in this section shall be manufactured, altered, repaired or finished in any room or apartment of a tenement-house, where there is or has been a case of infectious, contagious or communicable disease in such room or apartment, until such time as the local department or board of health shall certify to the commissioner of labor that such disease has terminated, and that the said room or apartment has been properly disinfected, if disinfection after such disease is required by the local ordinances, or by the rules or regulations of such department or board. None of the articles specified in this section shall be manufactured, altered, repaired, or finished in a part of a cellar or basement of a tenement house, which is more than one-half of its height below the level of the curb or ground outside of or adjoining the same. No person shall hire, employ or contract with any person to manufacture, alter, repair or finish any of the articles named in this section in any room or apartment in any tenement-house not having a license therefor issued as aforesaid. None of the articles specified in this section shall be manufactured, altered, repaired or finished in any room or apartment of a tenement-house unless said room or apartment shall be well lighted and ventilated and shall contain at least five hundred cubic feet of air space for every person working therein, or by any person other than the members of the family living therein; except that in licensed tenement-houses persons not members of the family may be employed in apartments on the ground floor or

second floor, used only for shops of dressmakers who deal solely in the custom trade direct to the consumer, provided that such apartments shall be in the opinion of the commissioner of labor in the highest degree sanitary, well lighted, well ventilated and plumbed, and provided further that the whole number of persons therein shall not exceed one to each one thousand cubic feet of air space, and that there shall be no children under fourteen years of age living or working therein; before any such room or apartment can be so used a special permit therefor shall be issued by the commissioner of labor, a copy of which shall be entered in his public records with a statement of the reasons therefor. Nothing in this section contained shall prevent the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any article of wearing apparel for the use of such person or family. Nor shall this section apply to a house if the only work therein on the articles herein specified be carried on in a shop on the main or ground floor thereof with a separate entrance to the street, unconnected with living rooms and entirely separate from the rest of the building by closed partitions without any openings whatsoever and not used for sleeping or cooking.

§ 2. This act shall take effect October first, nineteen hundred and six.

Chap. 130.

AN ACT to amend chapter seventy-three of the laws of eighteen hundred and forty-six, entitled "An act authorizing trusts for the benefit of the owners and occupants of mill privileges on the Wynant's kill."

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter seventy-three of the laws of eighteen hundred and forty-six, entitled "An act authorizing trusts for the benefit of the owners and occupants of mill privileges on the Wynant's kill," is hereby amended so as to read as follows:

§ 4. The legislature may alter, modify or repeal this act. The trustees of the trusts created under the act hereby amended are

authorized to execute and deliver to The Wynantskill improvement association, a corporation created and organized under the membership corporations law, a conveyance of all the real property, estate and rights held by them in trust and the said The Wynantskill improvement association is hereby authorized to accept from the said trustees such conveyance executed by James A. Burden, Robert T. Smart and Frank S. Witherbee, as trustees, which is dated June tenth, nineteen hundred and two, and to hold and enjoy the property therein described and referred to, for the uses and purposes of said corporation.

§ 2. This act shall take effect immediately.

Chap. 131.

AN ACT to provide for the payment of the balance due newspapers for the publication of the general laws of the state for the year nineteen hundred and five.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of thirty-two thousand seven hundred and sixty dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, payable by the treasurer, upon the warrant of the comptroller, for the payment of the balance due newspapers in the various counties in this state for the publication of the general laws of the state for the year nineteen hundred and five.

§ 2. This act shall take effect immediately.

Chap. 132.

AN ACT to provide for the payment of the balance due newspapers for the publication of concurrent resolutions of the legislature of nineteen hundred and five, proposing amendments to the constitution of this state, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of seventy thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, payable by the treasurer, upon the warrant of the comptroller, for the payment of the balance due newspapers for the publication of concurrent resolutions of the legislature of nineteen hundred and five, proposing amendments to the constitution of this state, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract.

§ 2. This act shall take effect immediately.

Chap. 133.

AN ACT to amend the military code, relative to uniforms and equipments for the national guard and naval militia.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty-six of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting chapter sixteen of the general laws," as amended by chapter seventy-four of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 126. Purchase of uniforms and equipments.—The adjutant-general shall advertise for bids in the manner provided in sub-

division six, section fifteen of this chapter, for the furnishing and making of the articles of uniform, equipment, military and naval supplies, in accordance with the regulations approved by the governor and specifications adopted by the state. Bidders shall be informed of the kind, quantity and quality of articles required and of the time, place and rate at which they are to be delivered. Bidders shall also be furnished with such specifications as have been adopted, and will be permitted to examine the standard samples at the places where deposited. No accounts for furnishing uniforms, equipment or military or naval supplies, shall be audited unless accompanied by the certificate of an inspector detailed by the commanding officer of the national guard or by the commanding officer of the naval militia, to the effect that the material used is of the quality prescribed by the governor and that the articles are well made as specified in the contract under which they are supplied.

§ 2. This act shall take effect immediately.

Chap. 134.

AN ACT to amend the military code, relative to armories.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows: —

Section 1. Section one hundred and thirty-one of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting chapter sixteen of the general laws," as amended by chapter three hundred and twenty-one of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 131. **Supervisors to furnish armories.**—Whenever it shall appear by the certificate of the commanding officer of the regiment, battalion or squadron not part of a regiment, to which any troop, battery or company organized or existing under the provisions of this chapter, belongs, or in the case of a field hospital, company of signal corps, separate troop, battery or company, by the certificate of the commanding officer of the brigade to which it is attached, together with the certificate of the commanding officer of the national guard or by the certificate of the

latter alone where the organization is attached to his headquarters, that such field hospital, company of signal corps, troop, battery or company, has at least the minimum number of enlisted men established by this chapter, who can legally be required to perform the duties prescribed thereby, the supervisors of the county in which such field hospital, company of signal corps, troop, battery or company is located, shall upon the demand of the commanding officer of such field hospital, company of signal corps, troop, battery or company, approved by the commanding officer of the squadron, battalion, regiment or brigade to which it belongs or is attached, or by the commanding officer of the national guard if attached to his headquarters, as the case may be, erect or rent within the bounds of such county for the use of such field hospital, company of signal corps, troop, battery or company, a suitable and convenient armory, drill-room, and place of deposit for the safe keeping of the arms, equipments, accoutrements, uniforms and military property furnished under the provisions of this chapter. The suitability and convenience of such armory shall be determined by the commanding officer of the brigade to which the organization demanding such armory is attached or by the commanding officer of the national guard if the organization is attached to his headquarters. The supervisors of a county in which are located the headquarters of a battalion not part of a regiment shall provide for such headquarters and attendance at a cost not to exceed five hundred dollars annually, it being understood that this shall cover the rental and the care of said headquarters. The impracticability of such headquarters being established in an armory shall be determined by the brigade commander in whose brigade the battalion is located. The erection, repairs, and alterations of all armory buildings erected or rented at the expense of a county shall be done under the direction and supervision of an inspector appointed by the army commission and an architect to be designated by the board of supervisors of the county. This section shall not apply to or affect that portion of the several counties lying within the boundaries of the city of New York.

§ 2. Section one hundred and thirty-four of said chapter as amended by chapter three hundred and twenty-one of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 134. **Armories in the city of New York.**—In the city of New York the applications of commanding officers of regiments,

battalions, squadrons, troops, batteries, field hospitals, or companies of signal corps, for suitable armories and for the furnishing thereof when first erected, and for alterations and enlargements of armories and the applications of the commanding officer of the national guard, commanding officer of the naval militia, or of an officer commanding a brigade therein, for suitable accommodation for brigade or other headquarters, shall be made to a board herein termed the armory board, and to consist of the mayor, the president of the board of aldermen, the two senior ranking officers of or below the grade of brigadier general, in command of troops of the national guard quartered in said city, and the president of the department of taxes and assessments. If the armory board approve such an application, it shall make its recommendation to the commissioners of the sinking fund, who, if they concur therein, shall specify the sums to be appropriated therefor, and such sum shall be included by the comptroller of said city in his departmental estimates for the ensuing year, and the board of estimate and apportionment and the municipal assembly are hereby directed to include such sums in the budget for the ensuing year; or the commissioners of the sinking fund may, from time to time, in their discretion authorize and direct the comptroller of the city to issue corporate stock of the city in such amounts as shall be necessary to provide such sums or any part thereof, and the mayor and comptroller of the city are authorized and directed to sign such stock, which shall be redeemable in not less than ten nor more than fifty years from the date of issue, and shall bear interest at a rate not exceeding four per centum per annum. It shall be the duty of the city clerk to attest such stock and seal the same with the common seal of the city, and the board of estimate and apportionment and the municipal assembly are hereby authorized and directed to cause to be raised upon the property, subject to taxation in the city of New York, such sums of money as may be required to pay the interest on such stock and redeem the same at maturity. The work necessary to be done and the materials necessary to be furnished for erecting armories, and for the furnishing thereof when first erected, and for alterations and enlargements of armories, as in this section above provided, shall be done and furnished respectively under the direction and supervision of the armory board, under contracts made at public letting pursuant to the general provisions of law as to public contracts in the city of New York.

The comptroller is authorized and required to pay, on the requisition of the armory board, the amount certified by it, from time to time, to be due, in such manner as he shall direct, and the amount of any appropriation or bond issue shall not be exceeded in incurring expenditures under this section. The commissioners of the sinking fund may also, in their discretion, appropriate any plot or plots of land belonging to the city and not already appropriated to some other public use, as locations on which armory buildings may be erected. The title to property acquired under this section through the approval of the commissioners of the sinking fund shall be vested in the corporation of the city of New York. All repairs to, and, except as above provided, all furnishing of, armories in the city of New York, shall be done by said city, and all utensils, materials and supplies certified by the auditing board of an organization quartered therein to be necessary for the cleaning, care and preservation of the portion of the armory used or occupied by said organizations, or of the arms, uniforms, equipments and furniture used or kept by said organization in such armory, shall be supplied by said city, as hereinafter in this section provided. The commanding officer of each organization of the active militia quartered in the city of New York, shall, before the first day of September in each year, prepare and submit to the armory board an itemized estimate of the necessary expenditures to be made during the ensuing year for repairs to and furnishing of armories and utensils, materials and supplies to be furnished by said city. On or before the twentieth day of September in each year, the armory board shall revise said estimate and determine the amount necessary to be expended for the purposes aforesaid in the ensuing year. Such determination shall be made in detail, specifying as separate items the amounts to be expended on each armory and for each organization for repairs, furnishing, utensils, supplies and other expenditures to be made by said city, and said board shall thereupon, and before October first, certify the amounts so fixed to the commissioner of public buildings, lighting and supplies of said city, who shall include said amounts as determined in detail by said board in and present the same to the board of estimate and apportionment as part of his departmental estimates for the ensuing year, and the said board of estimate and apportionment and the municipal assembly shall include said amounts as determined in detail, as aforesaid, in the final budget for the ensuing year. The amounts

so appropriated shall be expended on the armories and for the organizations for which the same were respectively appropriated by and under the direction of the commissioner of public buildings, lighting and supplies, who shall, from time to time, as may be necessary, advertise in the city record and corporation newspapers for not less than ten days for all utensils, supplies, work, labor and materials, and shall award contracts for the same to the lowest bidders, who shall give adequate security for the faithful performance of such contracts, except that in case of an emergency said commissioner may cause repairs immediately required to be done without calling for competition at an expense not exceeding one thousand dollars in any one instance. No payment shall be made by the comptroller from the appropriation aforesaid, except as follows: In the case of supplies upon the written approval of the claim by the commanding officer of the organization receiving the supplies, and in case of expenditures upon an armory for whatsoever purpose made, upon like approval by the ranking line officer commanding an organization quartered therein.

§ 3. Section one hundred and thirty-eight of said chapter, as amended by chapter six hundred and eighteen of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 138. **Armors, janitors and engineers.**—There shall be allowed for each armory and for the headquarters of the national guard, the naval militia and of each brigade, one armorer. If an armory be heated by steam there shall be allowed one engineer and also one assistant engineer if the commanding officer of the brigade within whose command such armory is located, and the officer in charge of such armory shall certify to the disbursing officer of the county in which such armory is located that the services of an assistant engineer are necessary; in an armory occupied by a regiment and lighted by electricity produced by machinery operated by the power of steam, if such steam is generated and machinery operated within such armory, there shall be allowed on like certificate an additional assistant engineer; there shall also be allowed for an armory occupied by a regiment, by a battalion or squadron not part of a regiment, by a battery of light artillery, by a troop, by a company of signal corps, by a field hospital, or by two or more separate batteries or companies, one janitor; and the armorer, the engineer and the janitor thus authorized shall be appointed by the ranking officer of the organ-

ization or organizations quartered in the armory. Where a field hospital, a company of signal corps, troop, battery of light artillery, or the headquarters of the national guard or of a brigade, occupies a portion of an armory or state arsenal, each shall be entitled to an armorer, and such field hospital, company of signal corps, troop or battery of light artillery shall also be entitled to a janitor, who shall be appointed by its respective commanding officer, and such headquarters and quarters shall be considered an independent armory, upon the approval and certificate of the commanding officer of the national guard or of the brigade within whose command such armory is located. All persons appointed or employed pursuant to this or the succeeding section shall perform such duties as shall from time to time, be prescribed by the officer appointing or employing them.

§ 4. Section one hundred and thirty-nine of said chapter as amended by chapter seventy-four of the laws of nineteen hundred and three, as amended by chapter six hundred and eighteen of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 139. **Laborers.**—To provide for the proper care and cleanliness of armories and arsenals and of the property therein deposited, the commanding officer of a regiment, battalion or squadron not part of a regiment, troop, battery, company, company of signal corps, field hospital, or brigade, or the ranking commanding officer, where two or more separate batteries or companies are quartered in an armory or arsenal, may appoint laborers as follows: for armories or arsenals having ten thousand square feet or less of floor surface, one laborer; when the floor surface exceeds twenty thousand square feet, two laborers; and for each twenty thousand in excess of twenty thousand, an additional laborer; boiler and engine rooms, unused cellar rooms and rooms used for employees' quarters shall not be included in computing such floor surface. For regiments of heavy or coast artillery, in addition to the above, one expert laborer, competent to care for artillery implements, guns and instruments. For armories of squadrons, troops, batteries, field hospitals and companies of signal corps, in addition to the above, one laborer to each ten horses therein stabled and used for military purposes by such squadron, troop, battery, field hospital or company of signal corps. Before any such appointment is made, the necessity for the employment of such laborer or laborers shall be certified by the com-

manding officer of the brigade, and such certificate shall be filed in the office of the disbursing officer of the county in which the armory or arsenal is situated. A certificate of the number of feet of floor surface of each armory or arsenal in which laborers are appointed shall be made by the engineer of the brigade and approved by the commanding officer of the brigade within whose command such armory or arsenal is located, and filed in the office of the disbursing officer of the county in which the armory or arsenal is located, except as to counties wholly or partly within the city of New York, when it shall be filed with the comptroller of said city.

§ 5. This act shall take effect immediately.

Chap. 135.

AN ACT to admit to the state bar examination John L. Snyder, a Seneca Indian.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The state board of law examiners is hereby authorized to admit to the bar examinations of the fourth judicial department, John L. Snyder, a Seneca Indian, residing at Salamanca, Cattaraugus county, notwithstanding the fact that the said Snyder is not a citizen, provided that at the time of applying for admission to such examinations he shall be otherwise qualified to take the same and shall comply with the rules of the court of appeals and of the state board of law examiners in respect thereto; and upon passing such examinations the said Snyder shall be admitted to practice law in this state, with the same powers and subject to the same duties as if he were a citizen.

§ 2. This act shall take effect immediately.

Chap. 136.

AN ACT to amend chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Port Chester," in relation to meetings of trustees, bond issues and tax for the lighting of streets.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of title three, of chapter eight hundred and eighteen of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Port Chester," is hereby amended to read as follows:

§ 3. The trustees shall meet for the transacting of public business, on the first Monday of every month, and the president of the village shall, if present, preside at all meetings of the trustees. In the absence of the president they shall appoint one of their number to perform his duties, and in the absence of the clerk from any such meeting, they may appoint any person to perform his duties for the time being. A majority of the trustees shall constitute a quorum for the transaction of business. Whenever the first Monday of any month shall be a legal holiday, the regular meeting for that month shall be held on the following day at the usual hour and place appointed for the holding of the regular monthly meetings of said trustees.

§ 2. Title seven of said chapter is hereby amended by inserting therein a new section to be section thirteen and to read as follows:

§ 13. Whenever bonds of the village of Port Chester shall have been lawfully issued under the provisions of the charter of the village of Port Chester, or under the provisions of any general or special law applicable to the said village, and the payment of the principal or interest thereon shall not have been otherwise paid or provided for, the same shall be a charge upon said corporation, and shall be levied, assessed, collected and paid the same as other debts and charges, and where said bonds are payable in instalments the board of trustees of said village shall annually levy, assess, collect and pay so much of the principal of said bonds and interest thereon as shall mature during each

fiscal year; and the board of trustees of said village are hereby authorized and directed to levy and assess upon the taxable inhabitants and property within said village such an amount as shall mature and become due within each fiscal year for principal and interest upon bonds heretofore or hereafter issued by the said village under the authority of any general or special law.

§ 3. Section one of title five of said chapter as amended by chapter two hundred and nineteen of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 1. The said village is hereby declared a separate road district, exempt from the superintendence and control of the commissioners of highways of the town of Rye, and the trustees shall possess all the powers given by law to the commissioners of highways of towns within the limits of said village, and the charge and expense of working and repairing all roads declared public highways in said village, and also for making, altering, repairing and improving bridges on or over the same, and upon or over any streets or highways in said village, except bridges over the Byram river between the village of Port Chester and the town of Greenwich, in the state of Connecticut, shall be raised by tax upon the taxable inhabitants and property of said village, in the same manner as ordinary and general taxes, and the said trustees shall be under the same obligation to keep said road and bridges in repair, and be subject to the same liabilities in respect thereto, as commissioners of highways, and such taxes can be raised by the trustees, without any vote, in addition to the sum allowed by section one of title four of this act, for the ordinary and contingent expenses of said village, not exceeding one-fourth of one per centum of the total assessed valuation of the real and personal property in the said village, as appears upon the assessment-roll of said village for the preceding year, for any one year, for such purpose unless authorized to raise a larger sum by a vote of the taxable inhabitants of said village. No inhabitant, residing within the limit of said village shall, however, be entitled to vote at any town meeting on any proposition for raising money by tax for the repairs of roads and bridges in said town, located without the limits of said village, or for the construction of the same, and all property within the limits of said village shall hereafter be exempt from any taxation or assessment for the opening, laying out, maintenance, erection or repairs of any highway, roads and bridges in said town which are situated without the limits of said village. No inhabitant residing in said village shall be eligible

to the office of commissioner of highways of said town of Rye or be entitled to vote at any town election or town meeting for the office of commissioner of highways of said town of Rye. The trustees are authorized and empowered to raise by tax to be assessed upon the taxable property real and personal of said village, without any vote, in addition to the sums allowed by this section, and by section one of title four of this act, a sum not exceeding in any one year, one-fourth of one per centum of the total assessed valuation of the real and personal property in said village, as appears upon the assessment-roll of said village for the preceding year, for the purpose of lighting any or all of the streets, public parks, places, offices and buildings in said village, but no tax or sum in excess of said amount shall be raised, levied, assessed or collected in any one year for such purpose, until the same shall have been authorized by a vote of a majority of the taxable inhabitants of said village qualified to vote under the charter of the village of Port Chester, at any annual election or meeting or at any special meeting duly called for that purpose. The said board of trustees are hereby further authorized and empowered to raise by tax to be assessed upon the taxable property real and personal in said village a sum not exceeding one-fifteenth of one per centum of the total assessed valuation of the real and personal property in said village, as appears upon the assessment-roll of the preceding year, in addition to the sums allowed by this section and by section one of title four of the charter of the village of Port Chester, for the purpose of sprinkling the streets of said village, but no tax or sum in addition to said amount shall be raised, levied, assessed or collected in any one year for such purpose until the same shall have been authorized by vote of a majority of the taxable inhabitants of said village qualified to vote under the charter of the village of Port Chester, at any annual election or meeting, or at any special meeting duly called for that purpose.

§ 4. This act shall take effect immediately.

Chap. 137.

AN ACT to authorize the justices of the appellate division of the supreme court in the second judicial department to appoint two typewriter operators, and to provide for their compensation.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The justices of the appellate division of the supreme court in the second judicial department, or a majority of them, may appoint, and at pleasure remove, two typewriter operators. The salary or compensation to be paid to each of such typewriter operators shall be fixed by said justices of the appellate division, not to exceed one thousand five hundred dollars per annum. The comptroller of the state shall cause such salary or compensation to be paid to each of such typewriter operators in equal quarterly instalments, and shall annually apportion the amount thereof among the counties of the second judicial department, in proportion to the taxable property of such counties respectively, according to the last assessment-roll thereof. The amount so apportioned to each county shall be a county charge, and the county treasurer upon receipt thereof shall pay over the same to the comptroller of the state.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 138.

AN ACT to amend the penal code, relative to crimes against the person and against public decency and good morals, and designed to prevent the placing, or keeping, or leaving of married women in houses of prostitution and to punish persons therefor.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter two, title ten of the penal code, is hereby amended by adding thereto a new section to be section two hundred and eighty-two-b, and to read as follows:

§ 282-b. Subdivision 1. Any man who by force, fraud, intimidation or threats, places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution, or to lead a life of prostitution, shall be guilty of a felony and upon conviction thereof shall be imprisoned for not more than ten years.

Subdivision 2. In all prosecutions under this act, the wife shall be a competent witness against the husband, but no conviction under this act shall be had upon the testimony of the wife unsupported by other evidence.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 139.

AN ACT to legalize the action of a meeting of the village of Rouses Point in adopting a resolution relating to the organization of a public free library and authorizing the library trustees of said village to accept the conditions of a certain will.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The resolution adopted by the electors of the village of Rouses Point, at a meeting held on the twenty-ninth day of August, nineteen hundred and five, is hereby legalized in all

respects and the action of said meeting in adopting said resolution is hereby deemed and declared to confer full power and authority on the library trustees to accept the full conditions and provisions of the eighteenth paragraph and codicil pertaining thereto of the will of Lynhurst C. Dodge, late of Rouses Point, New York, dated the seventh day of May, nineteen hundred and one, and probated the thirty-first day of October, nineteen hundred and four, and now on file in the office of the surrogate of Clinton county, a copy of which is also on file in the office of the clerk of the village of Rouses Point, but shall not affect any action or proceeding now pending.

§ 2. This act shall take effect immediately.

Chap. 140.

AN ACT to amend chapter seventy-three of the laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the Isabella Heimath."

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter seventy-three of the laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the Isabella Heimath," is hereby amended to read as follows:

§ 2. The personal property of the said corporation and that portion of its real property from which no income is derived shall be exempt from taxation, so long as the same is exclusively used for the charitable purposes hereinafter mentioned.

§ 2. Section three of said chapter, is hereby amended to read as follows:

§ 3. The objects of said corporation are to establish and maintain in the city of New York, a home for the care, support and maintenance of aged indigent persons, a hospital for the care, reception, maintenance, and medical and surgical advice, aid and treatment, of persons afflicted with chronic maladies, and a dispensary where medicines may be provided and dispensed for the benefit of the inmates of said home and hospital, and such other persons as may be designated by the by-laws, and an outdoor or

out-patient department whereby aged indigent persons, not inmates of said home and hospital, may be cared for, supported, maintained and aided in such manner as may be designated by the by-laws. The benefits of the charities established by this corporation are to be extended to persons coming within the provisions of the by-laws, without distinction of sex, creed, color or nationality.

§ 3. Section four of said chapter, is hereby amended to read as follows:

§ 4. There shall be a board of managers of said corporation and its affairs, which shall consist of twelve members, who shall be elected, as hereinafter provided, from the members of said corporation at the annual meetings thereof, to be held at such time and place as may be fixed by the by-laws. A majority of votes cast shall be necessary for such election. Until the first annual election to be held as aforesaid, the persons named in the first section of this act, shall constitute such board of managers.

§ 4. Section five of said chapter, is hereby amended to read as follows:

§ 5. At the first annual meeting of the members of said corporation held after January first, nineteen hundred and six, twelve managers shall be elected by the members of the corporation. Four of said managers shall be elected and shall hold office for the term of one year and until their successors are elected or appointed; four of said managers shall be elected and shall hold office for the term of two years and until their successors are elected or appointed; and four of said managers shall be elected and shall hold office for the term of three years and until their successors are elected or appointed; and each successive year four managers of said corporation shall be elected for a term of three years to fill the class then becoming vacant as aforesaid.

§ 5. Section six of said chapter, is hereby amended to read as follows:

§ 6. Neither of the managers shall receive any compensation for services nor be interested directly or indirectly in any contract relating to said home, hospital or dispensary or in the supplies therefor.

§ 6. Section seven of said chapter, is hereby amended to read as follows:

§ 7. In case either or any of the above named persons and managers shall decline to serve, or be or become ineligible from any cause, the vacancy or any vacancy occurring from any cause

in said board of managers shall be filled by the other members of said board until the next annual election, when the same shall be filled by election by the members of said corporation.

§ 7. Section ten of said chapter, is hereby amended to read as follows:

§ 10. The board of managers may create an executive committee to consist of at least five of their number, and may delegate to such executive committee such powers of control and management of the home and business affairs of said corporation as the by-laws may authorize; and may create such other committees and may delegate to such other committees such powers as the by-laws may authorize.

§ 8. Section eleven of said chapter, is hereby amended to read as follows:

§ 11. A majority of said board of managers shall constitute a quorum for the transaction of all business except the sale or alienation of any of the real or personal estate of said corporation, or the leasing of any such real estate for a term longer than one year, for which purposes, or any of them, the consent of three-fourths of all members of said board shall be necessary. The board of managers shall before the first day of October, nineteen hundred and six, create a permanent foundation in an amount to be determined by them and to consist of real and personal property, which foundation shall be known as the permanent foundation of this corporation. After the creation of this foundation all property both real and personal which this corporation may receive by gift, grant, devise or bequest, unless otherwise specified by the donor, grantor or deviser shall be added to the permanent foundation. Only the net income of the permanent foundation shall be used for the purpose of the corporation, except as hereinafter otherwise provided. The consent in writing of three-fourths of the members of the board of managers of this corporation shall be required before any portion of the permanent foundation of this corporation can be expended. The assent of two-thirds of the members of the corporation present at the annual meeting of this corporation or at any meeting specially called shall be required in addition to the consent in writing of three-fourths of the members of the board of managers before any amount greater than two per centum of the permanent foundation of this corporation can be expended in any one year. Notice of an intention to ask the assent of the members of the corporation for the expenditure of more than two per centum

of the permanent foundation must be given in writing to all the members of the corporation at least ten days before the time of such annual or special meeting of the members of the corporation. A statement of the financial condition of the corporation, including a statement of the permanent foundation and of all other funds and investments shall be mailed to each member of the corporation together with the notice of the annual or special meeting called for the purpose of obtaining such assent of the members of the corporation.

§ 9. This act shall take effect immediately.

Chap. 141.

AN ACT to amend chapter thirty-three of the laws of eighteen hundred and ninety-six, entitled "An act to extend the time for the completion of the Rhinebeck and Rhinecliff street surface railroad company," in relation to extension of time to complete.

Became a law, April 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter thirty-three of the laws of eighteen hundred and ninety-six, entitled "An act to extend the time for the completion of the Rhinebeck and Rhinecliff street surface railroad company," as amended by chapter four hundred and forty of the laws of eighteen hundred and ninety-eight, and as amended by chapter thirty-three of the laws of nineteen hundred and three, is hereby further amended to read as follows:

§ 1. The time for the completion of the Rhinebeck and Rhinecliff street surface railroad, the company to construct which was organized under an act, chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled, the railroad law, and the several acts amendatory thereof and supplemental thereto, is hereby extended to the first day of July, nineteen hundred and seven.

§ 2. This act shall take effect immediately.

Chap. 142.

AN ACT to authorize the comptroller of the state to hear and determine the application of John Brown for cancellation of the tax sale made by the comptroller in eighteen hundred and ninety-five of lot twenty-five, Small's patent, town of Moriah, county of Essex.

Became a law, April 5, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the comptroller of the state to hear and determine the application of John Brown for the cancellation of the tax sale of eighteen hundred and ninety-five of lot number twenty-five, Small's patent, town of Moriah, Essex county; said Brown claiming to be the owner of the northeast fifty acres thereof; and the said comptroller is hereby authorized to act upon said application in the same manner and with the same effect as if the application were made by the purchaser at the tax sale within the time prescribed by law.

§ 2. Prior to the hearing on said application the said John Brown shall cause to be served upon the attorney-general of the state a notice of said hearing; said notice shall be served at least fourteen days before the date of the hearing.

§ 3. This act shall take effect immediately.

Chap. 143.

AN ACT to amend chapter one hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act to make the office of county clerk of Oswego county a salaried office, and regulating the management of said office, and fixing the salary of said clerk and his assistants," in relation to salary of miscellaneous clerk.

Became a law, April 5, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter one hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act to make the office of county clerk of Oswego county a salaried

office, and regulating the management of said office, and fixing the salary of said clerk and his assistants," is hereby amended to read as follows:

§ 8. There shall be one deputy clerk, one special deputy and court clerk, one search clerk, one index clerk, one miscellaneous clerk and three copying clerks, all of whom shall be appointed by said county clerk. The said clerks shall receive the following salaries: The deputy clerk twelve hundred dollars per annum; the special deputy and court clerk seven hundred and twenty dollars per annum; the search clerk twelve hundred dollars per annum; the index clerk seven hundred and twenty dollars per annum, and the miscellaneous clerk seven hundred and twenty dollars per annum. The copying clerks shall be paid by the folio, at the rate of three cents for each folio. The salaries and compensation of the said clerk and his assistants shall be paid by the county treasurer upon the certificate of the county clerk showing the amount due to each and for what.

§ 2. The salaries specified in section eight, as amended shall be paid from January first, nineteen hundred and six.

§ 3. This act shall take effect immediately.

Chap. 144.

AN ACT to amend chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for the relief of the city of Buffalo and to change and regulate the crossing and occupation of the streets, avenues and public grounds in said city by railroads," in relation to the commissioners and giving them further powers.

Became a law, April 5, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter three hundred and forty-five of the laws of eighteen hundred and eighty-eight, entitled "An act to provide for the relief of the city of Buffalo and to change and regulate the crossing and occupation of the streets, avenues and public grounds in said city by railroads," as amended by

chapter three hundred and fifty-three of the laws of eighteen hundred and ninety-two, is hereby amended to read as follows:

§ 1. Edward H. Butler, John B. Weber, Henry D. Kirkover, Augustus F. Scheu, James Ryan, Charles F. Bishop, William P. Northrup, Andrew Langdon, John Esser and Henry Schaefer of the county of Erie, are hereby appointed commissioners, any six of whom are authorized to enter into contracts from time to time on behalf of the city of Buffalo with any railroad company or companies or any terminal company organized for that purpose, and any bridge or other corporation owning or operating a steam railroad wholly or in part in said city, for the relief of the city from the obstruction of the streets of the city of Buffalo by railroads crossing the same at grade upon plans adopted or to be adopted by said commissioners as hereinafter provided. All agreements so made shall be binding upon the city.

§ 2. Said chapter is also amended by adding thereto a new section to be known as section two-a, and to read as follows:

§ 2-a. The said commissioners are hereby authorized to contract on behalf of the city of Buffalo with the railroad companies interested to eliminate all crossings at grade of the streets of the city by railroad companies on Broadway, Bailey avenue, Sycamore street, Walden avenue, Genesee street, Fougerson street, Urban street, French street, Box avenue, East Ferry street, Northland avenue, Fillmore avenue, East Delavan avenue, Kensington avenue, Dewey avenue, Le Roy avenue, Jewett avenue, Main street, Amherst street, Parkside avenue, Colvin street (Niagara Falls boulevard), Delaware avenue, Elmwood avenue, Military road, Hertel avenue, Elk street at the Market, Niagara street at International bridge, Amherst and Austin streets, where the New York Central and Hudson River, Erie, Delaware, Lackawanna and Western and Grand Trunk railroads cross. The contracts so made shall be binding upon the city. They may, by agreement with the contracting company, alter, modify, or change any contract heretofore or hereafter made by them; they shall before entering into any contract, cause the detail plans of the work to be done by the contracting parties to be prepared by the chief engineer of the commission, and the engineer representing the company or companies with whom said contract is to be made may join with him in preparing such plans; and said detail plans shall enter into and form a part of said contract.

§ 3. This act shall take effect immediately.

Chap. 145.

AN ACT to permit the Carnegie foundation, a corporation duly incorporated under the laws of New York, to convey its property to the Carnegie foundation for the advancement of teaching.

Became a law, April 5, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Carnegie foundation, a corporation heretofore organized on or about the eighth day of May, in the year nineteen hundred and five, pursuant to the acts of the legislature of the state of New York, relative to membership corporations, is hereby authorized and empowered to grant, convey, assign and transfer all real and personal property of which it may be seized or possessed, to the Carnegie foundation for the advancement of teaching, incorporated by act of congress of the United States for the purpose of more effectually carrying out the gift of Andrew Carnegie to provide retiring pensions for the teachers of universities, colleges and technical schools, and to promote the cause of higher education, upon such terms, conditions or limitations as may be agreed upon between said two corporations, notwithstanding the fact that both said corporations have directors in common.

§ 2. Notwithstanding such conveyance and transfer, all and singular the obligations of the Carnegie foundation shall remain in full force, and the rights of the creditors thereof shall not in any manner be impaired by the passage of this act or the transfer of such property; and the said the Carnegie foundation for the advancement of teaching shall be liable on all contracts made by the said the Carnegie foundation, and to pay and discharge all the debts, liabilities and contracts of the said the Carnegie foundation to the same effect as if such corporation so incorporated had itself incurred the obligation or liability to pay the same; and no action or proceeding before any court or tribunal shall be deemed to have abated or been discontinued by the passage of this act.

§ 3. This act shall take effect immediately.

Chap. 146.

AN ACT making an appropriation for expenses of the senate and assembly.

Became a law, April 5, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of thirty-three thousand dollars, or so much thereof as may be necessary, is hereby appropriated, for the use of the senate and assembly, in the proportion to which each may be entitled, respectively, for the following purposes: For the clergymen officiating as chaplain of the senate and assembly during the session of nineteen hundred and six to be paid by the clerks of the senate and assembly, respectively, to those clergymen at the rate of five dollars per day for every day of attendance, for stationery and supplies, file boards, index clerk books, comparison of journals, financial reports, furniture and alteration of legislative rooms, law books for the use of the senate and assembly libraries and committees as may be authorized by concurrent resolution or resolution of either house; for expenses of receiving reports and printed documents from the several state departments, addressing and forwarding the same, care of bills and documents, and for engrossing resolutions ordered by the senate and assembly of nineteen hundred and six and for supplying deficiencies in appropriations heretofore made for said purposes; the payments for the foregoing to be made after audit by the comptroller of itemized accounts therefor duly certified by the clerks of the senate and assembly, respectively; and also for the preparation of session indices to senate and assembly bills, journals and documents and indexing of the executive journals of the senate for the legislative session of nineteen hundred and six, and for supplementary indices to senate and assembly bills, journals and documents during the legislative session of nineteen hundred and six, and for revision of clerks' manual, books and blanks, the same to be paid after audit by the comptroller of itemized accounts therefor duly certified by the president of the senate or speaker of the assembly, respectively.

§ 2. This act shall take effect immediately.

Chap. 147.

AN ACT to amend chapter five hundred and ninety-nine of the laws of eighteen hundred and ninety-eight, entitled "An act to incorporate the Security assurance company," relative to authorizing the Security assurance company to change its name and increase the number of its officers and directors.

Became a law, April 5, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter five hundred and ninety-nine of the laws of eighteen hundred and ninety-eight, entitled "An act to incorporate the Security assurance company," is hereby amended to read as follows:

§ 1. From the time this act shall commence and take effect Thomas E. Murray, T. P. Meehan, E. L. Conant, H. L. Scheuerman, Thomas Kelly and Charles Tracy, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate by the name of the Security assurance company, with power in the board of directors upon approval of the superintendent of banks to change its corporate name and adopt another name, which shall not be a name so nearly resembling the name of any other domestic corporation as to be calculated to deceive, upon due notice in writing of such change filed with the secretary of state and with the superintendent of banks and published in two of the public newspapers of the city and county of New York.

§ 2. Section four of said chapter, is hereby amended to read as follows:

§ 4. The persons named in the first section of this act, together with seven others to be designated by a majority of said persons, shall constitute the first board of directors of said corporation, and shall hold their places as such until the first day of June, eighteen hundred and ninety-eight and annually on said day thereafter, at an hour and place to be designated by the by-laws; and the persons then elected by a majority of the shares voted upon by the stockholders, in person or by proxy, shall constitute the board for the then ensuing year and until other* shall be elected in their places. All the vacancies which shall be caused

* So in original.

in the board of directors, by death, resignation, mental incompetency, removal from the state, or otherwise shall be filled by appointment by a majority of the remaining members for the balance of the term thus vacated. The board of directors shall have power to make all reasonable by-laws and rules for the government of the corporation and its officers and agents. A majority of said board shall constitute a quorum. The board of directors may, by a majority vote, increase the number of directors, from time to time, as in their judgment is for the best interest of the company, to a number not exceeding the maximum number of directors permitted by the banking law for any trust company of which not more than one-half of the number at any time may be chosen who are not residents of this state, or not citizens of the United States.

§ 3. Section five of said chapter, is hereby amended to read as follows:

§ 5. The officers of the corporation shall consist of a president, vice-president, secretary and treasurer, who, except as hereinbefore provided shall be annually elected by the incoming board of directors; such subordinates may be appointed from time to time, as the board may direct, and such additional officers may be elected, from time to time, as the board deems necessary.

§ 4. This act shall take effect immediately.

Chap. 148.

AN ACT to amend the tenement-house act in relation to buildings of a certain character.

Became a law, April 5, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and thirty-four of the laws of nineteen hundred and one, entitled "An act in relation to tenement-houses in cities of the first class," as amended by the laws of nineteen hundred and two, chapter three hundred and fifty-two, and the laws of nineteen hundred and three, chapter one hundred and seventy-nine, is hereby amended by adding at the end of chapter one a new section to be section six thereof, and to read as follows:

§ 6. A studio building erected after May first, nineteen hundred and one, and prior to October first, nineteen hundred and five, in a

city of the first class upon a lot not less than seventy-five feet in width by one hundred feet in depth, which building contains not less than fourteen studios, each with a window not less than ten feet in height and ten feet in width, such studio building being occupied and used by three families or more, living independently of each other and doing their cooking on the premises, shall be and hereby is declared exempt from the requirements and provisions of sections fifty-two, seventy, seventy-two, seventy-three, seventy-four, eighty, eighty-five, ninety-one, ninety-five, ninety-seven, one hundred and twenty-one and one hundred and twenty-two of this act.

§ 2. This act shall take effect immediately.

Chap. 149.

AN ACT to amend the highway law, relative to payment for work on private roads in towns adopting the money system of taxation.

Became a law, April 5, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-seven of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," is hereby amended to read as follows:

§ 37. Credit on private roads.— The commissioners of highways of each town shall credit to such persons as live on private roads and work the same, so much on account of their assessments as the commissioners may deem necessary to work such private roads, or shall annex the private roads to some of the highway districts. In any town in which the money system of taxation has been adopted, the commissioner or commissioners of highways shall ascertain the value of the work which he or they may deem necessary to be done in each year upon such private road by any person living on the same and issue to him a statement containing the name of such person, the location of such road, the amount of work so deemed necessary to be done and the value thereof. Such statement shall be presented to the

town board at its annual meeting for the audit of town accounts, and if approved by such board, and such work shall have been done an order shall be issued directing the supervisor to pay the sum specified in such statement to the person therein named, or his assignee, out of the money in the hands of the supervisor available for highway purposes. The amount so paid in any year shall not exceed the amount payable by the person named in such statement on account of the money levied in such town for the repair of highways as provided in section fifty-three of this chapter. This section shall not apply to private roads, or rights of way over lands of the owner thereof used by him for his own convenience.

§ 2. This act shall take effect immediately.

Chap. 150.

AN ACT to amend subdivision twelve, section fourteen, title seven, of the consolidated school law, subdivision seven of section forty-seven, title seven, of the consolidated school law and subdivision six of section fifteen of title eight of the consolidated school law; and to legalize certain acts of trustees of school districts.

Became a law, April 5, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows: -

Section 1. Subdivision twelve of section fourteen of title seven of the consolidated school law is hereby amended so as to read as follows:

12. To authorize the trustees to cause the schoolhouse or schoolhouses, and their furniture, appendages and school apparatus to be insured by any insurance company created by or under the laws of this state, or any other insurance company authorized by law to transact business in this state.

§ 2. Subdivision seven of section forty-seven of title seven of the consolidated school law is hereby amended so as to read as follows:

7. When thereto authorized by a meeting of the district to insure the schoolhouse or houses, and their furniture, and the

school apparatus in some company created by or under the laws of this state, or in an insurance company authorized by law to transact business in this state, and to comply with the conditions of the policy, and raise the premiums by a district tax. If the district meeting shall neglect to make such authorization, it shall be the duty of the trustee or trustees to insure such schoolhouse or houses, and their furniture and school apparatus, and the premiums paid shall be raised by district tax.

§ 3. Subdivision six of section fifteen of title eight of the consolidated school law is hereby amended so as to read as follows:

6. To purchase a site or sites, or an addition to a site or sites, for a schoolhouse or schoolhouses for the district, as designated by a meeting of the district; and to construct such schoolhouse or houses, and additions thereto as may be so designated; to purchase furniture and apparatus for such schoolhouse or houses; to keep such schoolhouse or houses and the furniture and apparatus therein in repair; to hire any room or rooms in which to maintain and conduct schools when the rooms in the schoolhouse or houses are overcrowded, or when such schoolhouse or houses are destroyed, injured or damaged by the elements, and to fit up and furnish such room or rooms in a suitable manner for conducting a school or schools therein; to insure the schoolhouse or houses and their furniture, apparatus and appendages, and the school library, in some company or companies created by or under the laws of this state, or in some insurance company or companies authorized by law to transact business in this state, and to comply with the conditions of the policy, and raise the sums paid for premiums by district tax. No schoolhouse shall be built in any union free school district until the plan for the ventilation and heating and lighting of such schoolhouse shall be approved in writing by the school commissioner of the commissioner district in which such schoolhouse is to be built.

§ 4. The acts of the trustees of any school district in heretofore insuring school property in an insurance company or companies not created by or under the laws of this state, but which are authorized by law to transact business in this state, are hereby legalized.

§ 5. This act shall take effect immediately.

Chap. 151.

AN ACT to empower the city of Geneva to borrow money for the payment of certain outstanding notes and issue bonds therefor.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Geneva is hereby authorized to borrow such a sum of money, not exceeding the sum of eleven thousand dollars, as the common council of said city shall determine to be necessary for the purposes mentioned in this act, and, for that purpose, the common council of said city is hereby authorized to issue the bonds of said city payable at such times and places as the common council shall, by resolution, determine. Said bonds shall bear interest at a rate not exceeding five per centum per annum, and shall not be sold for less than the par value thereof. Said bonds shall be sold under the direction of the common council of said city and the same procedure, as near as may be, shall be had with respect to such sale as on the sale of bonds issued on account of street improvements under the provisions of the charter of said city. Any bonds so issued shall be a legal obligation of the city of Geneva, and all the provisions of section one hundred and eleven of title twelve of the charter of said city shall apply as to the payment of the principal and interest of said bonds.

§ 2. The money borrowed under the provisions of this act shall be paid into the treasury of the city of Geneva, and so much thereof as may be necessary for that purpose shall be used to pay a certain promissory note issued under the authority of the common council of said city, and described as follows, to wit: One note for nine thousand four hundred ninety-six and fifty-four one-hundredths dollars dated August second, nineteen hundred and five, issued under the authority of a resolution of the common council, adopted August first, nineteen hundred and five, and the balance shall be paid into the general fund to reimburse the city for expenses incurred in the erection of a fire-bell tower and the purchase of a fire-bell.

§ 3. This act shall take effect immediately.

Chap. 152.

AN ACT to amend the Greater New York charter, relative to
cessions of streets.

Became a law, April 6, 1906, with the approval of the Governor. Passed,
three-fifths being present.

Accepted by the city.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

Section 1. Section nine hundred and ninety-two of the Greater New York charter as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one as amended by chapter three hundred and seventy of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 992. The owners of land and of all the estate therein embraced within the lines of any street laid down and shown on the map or plan of the City of New York, and comprising all the land within said lines in an entire block in extent, may, without compensation and before the appointment of the commissioners, convey all their right, title and interest therein, providing the same shall be free from incumbrances inconsistent with the title to be acquired by the city, to the City of New York, and upon the delivery of such conveyances to the corporation counsel of said city with affidavits made by all such owners to the effect that the persons making them, are the owners of the estates in such lands so conveyed by them, respectively, and stating their interests, and that such estates in such lands are free of all incumbrances, except as aforesaid, it shall be the duty of such corporation counsel to examine such conveyances and papers, and if such title shall not be rejected for good cause, by such corporation counsel, he shall cause the said conveyances to be recorded in the office in which conveyances of real estate are recorded in the county in which such lands are located within sixty days after their delivery to him, and file them with the comptroller of such city, and thereupon the City of New York shall become vested with the title to said lands to the same effect and extent as if they had been acquired by a proceeding taken for the opening of that portion of said street; after the making and acceptance of such conveyances no proceedings to open the lands so conveyed shall be taken or maintained, nor shall the lands fronting on that portion of the street so conveyed and extending to the center

of the block on either side of such portion of said street so conveyed, be chargeable with any portion of the expense of opening the residue or any portion of the residue of such street, except the due and fair proportion of the awards that may be made for buildings as aforesaid. In all cases where such a street, laid down and shown on said map or plan, shall extend an unbroken distance of more than two hundred feet between two cross streets, any continuous portion thereof not less than two hundred feet in length shall be deemed to be an entire block in extent, within the purview and meaning of this section.

§ 2. This act shall take effect immediately.

Chap. 153.

AN ACT to amend the Greater New York charter, so as to enable the city of New York to obtain the services of a training school for nurses of the sick in connection with Bellevue and other hospitals.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and ninety-two of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by adding a new subdivision to be subdivision eleven thereof and to read as follows:

11. In order that suitable trained nurses for the sick in Bellevue and other hospitals may be provided, the board of trustees of Bellevue and allied hospitals shall have power, subject to the approval of the mayor of the city of New York as to terms and conditions, to enter into a contract or contracts with the Bellevue training school for nurses for the occupation and use of any building or buildings as a training school for nurses, for the purpose of continuing, improving and increasing its service in supplying to Bellevue and other hospitals trained nurses for the sick in said hospitals.

§ 2. This act shall take effect immediately.

Chap. 154.

AN ACT to amend chapter one hundred and sixty-five of the laws of eighteen hundred and ninety-eight, entitled "An act for the registration of all persons duly admitted and licensed to practice as attorney at law or as attorneys and counselors at law in the courts of record of this state," by dispensing with the necessity of publishing annually a certified copy of the official register.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter one hundred and sixty-five of the laws of eighteen hundred and ninety-eight, entitled "An act for the registration of all persons duly admitted and licensed to practice as attorneys at law or as attorneys and counselors at law in the courts of record of this state," as amended by chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 5. Every person filing with the clerk of the court of appeals the oath or affirmation hereinbefore provided shall pay to the said clerk at the time of such filing the sum of twenty-five cents to defray the necessary disbursements incurred by him in carrying out the provisions of this act.

§ 2. This act shall take effect immediately.

Chap. 155.

AN ACT to amend the tax law in relation to the defense of certiorari proceedings to review the assessment of a special franchise by the state board of tax commissioners.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws,"

is hereby amended by inserting a new section to be forty-five-a, and to read as follows:

§ 45-a. In any proceeding for the review of an assessment of a special franchise made by the state board of tax commissioners, said state board of tax commissioners is authorized to appear by counsel to be designated by the attorney-general. The compensation of such counsel and the necessary and proper expenses and disbursements, including the expense of procuring the evidence of experts, incurred or made by him in the defense of such proceeding, and upon any appeals therein, shall when audited and allowed as are other charges against such tax district, be a charge upon the tax district upon whose rolls appears the assessment sought to be reviewed. Where, in one proceeding, there is reviewed the assessment of a special franchise in more than one tax district, separate accounts shall be rendered for said costs, expenses and disbursements to the proper officer of each of said tax districts and audited and allowed by him as aforesaid. For the purposes of this section, the city of New York shall be deemed one tax district.

§ 2. This act shall take effect immediately.

Chap. 156.

AN ACT to amend chapter two hundred and sixty-six of the laws of nineteen hundred and three, entitled "An act to provide for the holding of town meetings and elections in counties of the state having a certain population," relative to the times of such town meetings and elections, the terms of town officers and the compensation of certain committees and supervisors of such counties.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and sixty-six of the laws of nineteen hundred and three, entitled "An act to provide for the holding of town meetings and elections in counties of the state having a certain population," as amended by chapter two hundred and sixty of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 1. The next town meeting at which town officers shall be

elected in any county of the state having a population of over fifty thousand inhabitants and less than fifty-four thousand inhabitants, according to the last federal enumeration shall be held on the first Tuesday after the first Monday in November in the year nineteen hundred and seven and biennially thereafter, at the same places as general elections in such towns are held. No person shall be entitled to vote at any such town meeting or election unless he is registered and entitled to vote at the general election held at the same time that such town meeting is held. All elective town officers shall be elected at such general election in the same manner as other officers who may be elected thereat. Certificates of nomination of candidates for a town office in any such towns shall be filed with the town clerk of the town, and if nominated by a political party, at least twenty days and not more than thirty days before such town meeting and election is held, or, if independent nominations, at least fifteen days and not more than thirty days prior thereto. The provisions of the election law relating to ballot boxes and separate ballots to be used at town meetings held on general election day in even numbered years shall be applicable to town meetings held in such towns.

§ 2. Section four of chapter two hundred and sixty-six of the laws of nineteen hundred and three, as amended by chapter two hundred and sixty of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 4. There shall be elected at the town meeting and election to be held in each town in any such county on the first Tuesday after the first Monday of November, in the year nineteen hundred and seven, and biennially thereafter, one supervisor, one town clerk, three assessors, one or three commissioners of highways, one collector, one or two overseers of the poor and not more than five constables. The persons first elected to the various offices above mentioned shall enter upon the discharge of their duties on the fourth day of March, nineteen hundred and eight and serve until and including March third, nineteen hundred and ten. Their successors shall be elected at the biennial election and town meeting held in nineteen hundred and nine and biennially thereafter, for the term of two years commencing on the fourth day of March succeeding their election. There shall also be elected at such town meeting and election and biennially thereafter, two justices of the peace for terms of four years, beginning on the succeeding first day of January.

§ 3. Section five of chapter two hundred and sixty-six of the laws of nineteen hundred and three, as added by chapter five hundred and seventy-four of the laws of nineteen hundred and four, is hereby amended so as to read as follows:

§ 5. The members of the board of supervisors of any such county hereafter elected shall receive an annual salary of one hundred and twenty dollars for all services rendered by them, excepting such services as shall be a town charge and such services as shall be rendered on the standing committees known as the "building" and "purchasing" committees, at times other than during the session of the board, such services not to exceed twelve days in any one year, and for such last mentioned services each member of said committee shall receive four dollars per day and actual expenses. Each of such supervisors shall be entitled to mileage at the rate of eight cents a mile for once going and returning from his residence to the place where the session of the board shall be held by the most usual route for each regular and special session. Each supervisor shall receive for his service in making a copy of the assessment roll three cents for each written line for the first one hundred lines, two cents per line for the second hundred written lines and one cent per line for all written lines in excess of two hundred, and one cent per line for each line of the tax-roll actually extended by him. No other compensation, fee, charge, allowance, perquisite or emolument of any kind or nature excepting for services which are by law a town charge shall be directly or indirectly charged or received by any supervisor, either as a supervisor or as a member of the board of county canvassers of any such county, and any supervisor who shall charge, receive or vote for any allowance in violation of the provisions of this, or the following section, shall be deemed guilty of a misdemeanor and on conviction shall forfeit his office and shall, in addition to the punishment prescribed by law for a misdemeanor, be liable to a penalty of two hundred dollars.

§ 4. This act shall take effect immediately.

Chap. 157.

AN ACT to amend chapter six hundred and nineteen of the laws of eighteen hundred and ninety-four, entitled "An act to amend chapter four hundred and thirty-four of the laws of eighteen hundred and seventy-three, entitled 'An act authorizing the formation of a corporate body to be known as the firemen's association of the state of New York'" in relation to the amount of property said association may purchase, hold and convey.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter six hundred and nineteen of the laws of eighteen hundred and ninety-four, entitled "An act to amend chapter four hundred and thirty-four of the laws of eighteen hundred and seventy-three, entitled 'An act authorizing the formation of a corporate body to be known as the firemen's association of the state of New York,'" is hereby amended to read as follows:

§ 3. The said corporation shall have power to take and hold property of the value of three million dollars or less, or the yearly income derived from which shall be five hundred thousand dollars or less. In computing the value of such property no increase in value arising otherwise than from improvements made thereon shall be taken into account.

§ 2. This act shall take effect immediately.

Chap. 158.

AN ACT to repeal article three of the labor law, relating to free employment bureaus in cities of the first class.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article three consisting of sections forty, forty-one, forty-two and forty-three of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act

in relation to labor, constituting chapter thirty-two of the general laws," is hereby repealed, and the free public employment bureaus established thereunder are hereby abolished.

§ 2. Upon the abolition of such bureaus, the commissioner of labor may apply to the other purposes of his department any of the property of the state used in connection with such bureaus, or cause such property to be sold and pay the proceeds into the state treasury. The commissioner of labor may also transfer or assign all or any of the persons employed in such bureaus to such other positions and duties in the department of labor as he may deem proper, subject to law and the civil service rules, and may pay them salaries out of the appropriation heretofore made for such bureaus for the current fiscal year, and may apply the balance of such appropriation to the general office expenses of the department of labor or to the proper traveling expenses of any person employed therein, who is entitled to such expenses in accordance with law, and the balance thereof amounting to two thousand three hundred and seven dollars and twenty cents, is hereby re-appropriated for such purpose.

§ 3. This act shall take effect May first, nineteen hundred and six.

Chap. 159.

AN ACT to amend the election law, in relation to the abolition or consolidation of election districts in towns.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the elections, constituting chapter six of the general laws," is hereby amended by inserting therein a new section to be section eight-a thereof, and to read as follows:

§ 8-a. **Abolition or consolidation of election districts in towns.**
— If at a general election at which a governor is elected, the number of votes cast for governor in an election district in any town be less than four hundred, the town board of the town may, if such town contains two election districts, abolish the division of the town into election districts, or if the town contains more

than two election districts, may annex the territory of such district to one or more of the other districts therein, in such manner as will best promote the convenience of the electors; but no district shall be abolished pursuant to this section if thereby in case of the abolition of election districts, the number of electors in the town will exceed six hundred, as indicated by the last preceding vote for governor, or if thereby in the case of the abolition of an election district and its annexation to one or more other districts, the number of electors in any new district so created will exceed six hundred, as indicated by such vote. An alteration of election districts, pursuant to this section, must be made on or before July first in any year. If the election districts in a town are abolished pursuant to this section, the town board shall, on or before September first, appoint from the inspectors of election in such town four inspectors of election for the town as an election district, two of whom shall belong to the political party which at the last preceding general election for state officers shall have cast the greatest number of votes in such town, and the other two of whom shall belong to the political party who shall have cast the next highest number of votes at such election.

§ 2. This act shall take effect immediately.

Chap. 160.

AN ACT to amend the military code, relative to the composition and strength of the national guard and naval militia.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-five of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting chapter sixteen of the general laws," as amended by chapter seven hundred and forty-six of the laws of nineteen hundred, as amended by chapter three hundred and fourteen of the laws of nineteen hundred and one, as amended by chapter two hundred and thirteen of the laws of nineteen hundred and three, and as amended by chapter twenty-four of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 25. **Regiments.**—A regiment shall consist of not less than eight nor more than twelve companies, troops or batteries, and of one colonel; one lieutenant colonel; two majors, three, if the regiment consists of more than ten companies; one surgeon of the grade of major; two assistant surgeons, each of the grade of captain, three, if the regiment consists of more than ten companies; one captain, as adjutant of the regiment; two first lieutenants, as adjutants of battalions, three, if the regiment consists of more than ten companies; one captain, as quartermaster of the regiment; two first lieutenants, as quartermasters of battalions, three, if the regiment consists of more than ten companies; one captain, as commissary of subsistence; one captain, as inspector of small arms practice; one first lieutenant, as assistant inspector of small arms practice; one chaplain; one sergeant major of the regiment; two sergeants major of battalions, three, if the regiment consists of more than ten companies; one regimental quartermaster sergeant; two quartermaster sergeants of battalions, three, if the regiment consists of more than ten companies; one commissary sergeant of the regiment; one ordnance sergeant; one hospital steward; two assistant hospital stewards, three, if the regiment consists of more than ten companies; one bandmaster; one drum major or chief trumpeter; two color bearers, of the grade of sergeant; a hospital corps not to exceed twenty-six men, of whom one may be a sergeant and five may be corporals. In a regiment composed of separate companies, the hospital corps shall consist of the hospital corps privates allowed by section thirty of this chapter, and such additional privates as are required to make the aggregate strength of said corps twenty-six; the additional privates shall be enlisted by direction of the commanding officer of, and attached to, the headquarters of such regiment. To a regiment of cavalry or light artillery, there shall be allowed also, one veterinary surgeon, of the grade of first lieutenant. To a regiment of heavy artillery, there shall be allowed also, one regimental electrician sergeant, and two battalion electrician sergeants, three, if the regiment consists of more than ten companies.

§ 2. This act shall take effect immediately.

Chap. 161.

AN ACT to amend the charter of the city of New Rochelle in relation to the issuance of certificates of indebtedness in anticipation of the collection of taxes and of assessments for local improvements.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and forty-four of article sixteen of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine is hereby amended so as to read as follows:

§ 244. Certificates of indebtedness may be issued in anticipation of the collection of sewer taxes and assessments and other taxes and assessments by the common council, as provided by this act and general laws, and executed in the same manner as bonds of the city; and such certificates as are issued in anticipation of the collection of taxes and of assessments for the purposes provided in article five of said chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, as amended by chapter five hundred and fifty of the laws of nineteen hundred and chapter four hundred and sixty-nine of the laws of nineteen hundred and five, may be issued for a term not exceeding five years, but shall contain the option to pay them after one year from the date of issue as the common council shall decide; and whenever any of said certificates are to be paid before the end of the five years, an advertisement of the numbers of said certificates to be paid beginning with the lower numbers, shall be inserted in the official newspapers of the city of New Rochelle, for two weeks and notice sent by mail to the registered holders thereof, and interest shall cease from the time fixed by the said common council for payment in said advertisements. If the issue of such certificates at any one time does not exceed in amount the sum of five thousand dollars, the same may be negotiated and sold by the mayor, by order of the common council, without advertising. If the amount to be issued and sold should exceed five thousand dollars, the same shall be advertised and sold in the manner as is herein provided for the issue and sale

of bonds; but in no case shall any certificates of indebtedness be sold for less than the par value of same, or bear interest to exceed the rate of six per centum per annum. All moneys received in payment of said taxes and assessments shall be set aside as a sinking fund for the payment of the certificates issued in anticipation of the collection of said taxes and assessments.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 162.

AN ACT to provide for the repair and improvement of existing mechanical and other structures and works on and connected with the canals of this state.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the repairs and improvements of existing mechanical and other structures and works on, and connected with the canals of this state, the same to be in addition and supplemental to the fund appropriated for the ordinary repairs of the said canals, and to be expended by the superintendent of public works for said purposes, on plans prepared by the state engineer and surveyor, where such may be deemed to be necessary, and approved by the superintendent of public works.

§ 2. The state comptroller is hereby authorized to borrow, on the credit of the state, by the issue of emergency bonds therefor, the said sum of one hundred and fifty thousand dollars provided for by section one of this act, so that the said sum may be made available for the purposes therein named. The said bonds to be paid for from the avails of state tax when collected for the fiscal year beginning October first, nineteen hundred and six.

§ 3. This act shall take effect immediately.

Chap. 163.

AN ACT to authorize the board of education of the city of New Rochelle to use for the completion of the school building on North avenue money appropriated for school purposes in said city.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of education of the city of New Rochelle is hereby authorized and empowered to apply to the completion of the new school building now being erected on North avenue in said city of New Rochelle, a sum of money, not exceeding eighteen thousand dollars, out of any of the funds, except for salaries, appropriated for the purposes of the board of education in accordance with the budget of the said board of education approved by the common council of said city of New Rochelle, January thirtieth, nineteen hundred and six.

§ 2. This act shall take effect immediately.

Chap. 164.

AN ACT to authorize the common council of the city of Binghamton to raise money to be appropriated towards the expenses of celebrating, in the year nineteen hundred and six, the centennial of the founding of the county of Broome.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The common council of the city of Binghamton is hereby authorized to include in the tax budget of said city for the year nineteen hundred and six and cause to be assessed, levied and collected with and in the same manner as other city taxes are assessed, levied and collected, and in addition to the

amount of city taxes for city purposes, the sum of one thousand five hundred dollars. The sum so raised shall be appropriated and paid toward the expenses of celebrating, in the year nineteen hundred and six, the centennial of the founding of the county of Broome.

§ 2. This act shall take effect immediately.

Chap. 165.

AN ACT to amend chapter three hundred and six of the laws of nineteen hundred and four, entitled "An act to organize and establish a police department for the village of White Plains, in the county of Westchester and state of New York," relative to the number of police constables.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections eight and twenty of chapter three hundred and six of the laws of nineteen hundred and four, entitled "An act to organize and establish a police department for the village of White Plains in the county of Westchester and state of New York," are hereby amended to read as follows:

§ 8. The said police force shall consist of a captain of police and not more than fourteen police constables who shall be under the direction of the said commissioners of police. All members of the police force of the said village, as created by chapter two hundred and one of the laws of nineteen hundred and two, shall be transferred to the police force hereby created and shall retain their present rank unless changed or promoted by the commissioners of police. All other members of the force of police hereby created and all vacancies shall be filled by appointment by said board. The said board hereby created shall have power to pass such rules, regulations and orders for the government of the police force as they may deem proper. They shall promulgate all regulations and orders to the force through the captain of police, who shall have the direction and control of that force subject to the rules and regulations and orders of the board. The treasurer of said board shall execute a bond

to the village of White Plains in the penalty of two thousand dollars conditioned for the faithful discharge of his duties as such treasurer. The sureties shall justify and the bond shall be approved by the board of trustees of the village of White Plains and shall be filed in the office of the clerk of said village.

§ 20. The said board of police shall annually, on or before the first day of October make and present to the board of trustees a detailed statement of their receipts and disbursements for the past year and also a statement of their proceedings for a like period, giving in detail the work of the police board and police force, and shall fix and determine the amount of moneys to be raised to pay the expenses of the board and police force by this act established for the year next ensuing and shall make a requisition in detail for the amount so fixed upon the board of trustees of the village of White Plains, but such amount shall not exceed in any one year the sum of twelve thousand dollars, and the board of trustees of the village of White Plains shall annually levy and assess upon the taxable property in said village of White Plains a sum equal to the amount of such requisition in the manner provided by law for assessing, levying and collecting the village taxes within and for said village. The board of trustees of said village shall in their warrant to the collector of taxes of the village of White Plains direct him to pay to the treasurer of the board of police such sums as shall have been raised for the support of the board of police and police force. The collector of taxes of the village of White Plains shall collect and deposit such sum in such bank as shall be designated by said board of police to the credit of said board. Any interest or income which may be derived from the police fund shall go to the credit of said fund and a certificate of deposit or other receipt from such bank for any money so deposited shall be a sufficient voucher to said collector for the money stated in such certificate or receipt. The said collector shall report to the board of police as often as they require the amounts of his deposits to the credit of the treasurer of the board. The treasurer shall pay all claims, accounts and demands against said board of police which shall be allowed by said board and shall render an account of the state of finances to the board as often as they shall require. The treasurer shall publish annually in a newspaper to be named by the board of trustees, published in said village a detailed statement of the receipts and expenditures made by him.

§ 2. This act shall take effect immediately.

Chap. 166.

AN ACT to amend title four of chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Yonkers," by adding a new section authorizing the issue of revenue bonds and certificates of indebtedness.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title four of chapter six hundred and thirty-five of the laws of eighteen hundred and ninety-five is hereby amended by adding at the end thereof a new section to be known as section twelve and to read as follows:

§ 12. The common council shall have the power after the beginning of each fiscal year, and before the delivery of the warrant to the receiver of taxes for the collection of the tax, to borrow money with which to pay the debts and expenses of the city, to an amount not exceeding one-half of the tax budget of the preceding fiscal year, in anticipation of the receipt of the city taxes and revenue applicable to such purposes, and the common council may provide for the issuing of either certificates of indebtedness or revenue bonds, or both, to be signed by the mayor and the city clerk and sealed with the city seal. Such bonds shall be of such denominations, bear such interest, not exceeding the legal rate, and mature at such times, not exceeding six months from their date, as the common council shall provide. The common council shall convert such bonds into money at not less than their par value or obtain temporary loans upon the same, and such bonds and the interest thereon shall be paid out of the moneys received as such taxes and revenues, applicable to such purposes.

§ 2. This act shall take effect immediately.

Chap. 167.

AN ACT to make the office of county clerk of Wyoming county a salaried office, and regulating the management of said office.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Each clerk of the county of Wyoming, hereafter to be elected, shall receive as compensation for his services an annual salary of sixteen hundred dollars. Such salary shall not be increased or diminished during the term for which such clerk shall have been elected.

§ 2. It shall be the duty of said clerk to perform all services which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office, for the state, for the county, and for individuals, including his duties as clerk and crier of every court of which he is or shall be clerk or crier; and no compensation, payment or allowance shall be made to him for his own use or for any such service, except the salary aforesaid.

§ 3. All the fees, emoluments and perquisites which such clerk shall charge or receive, or which he shall be legally authorized, required or entitled by law to receive, including the fees received for searching and certifying the title to and incumbrances upon real estate, shall belong to the county of Wyoming. It shall be his duty to exact, collect and receive the full amount allowed by law of all such fees, emoluments and perquisites for said county, and such clerk shall require payment in advance for recording all papers left with him for record, and shall also, in each case, require payment for all other services rendered by him or his assistants in his or their official capacity by virtue of any law of this state or by order of the board of supervisors of said county or any duty that may hereafter by law be devolved upon him. The said county clerk shall make such charge for searching and certifying the title to and incumbrances upon real property as may be authorized by the board of supervisors, but such charge shall not in any case exceed four cents for each name per year, nor be less than two cents for each name per year, for such service; and the fees and moneys by

said county clerk received for such searching and certifying the title to and incumbrances upon real estate shall belong to the said county of Wyoming the same as other fees of such clerk's offices.

§ 4. In a proper book or books, to be provided at the expense of said county, such clerk shall keep an exact and true account of all official services performed by him or his assistants, and of all moneys, fees, perquisites and emoluments received or chargeable to him or them pursuant to law. Such book or books shall constitute a part of the records of said office, and shall, at all times during office hours, be open to inspection, without fee of* charge therefor, and to all persons desiring to examine them.

§ 5. Such clerk shall make a full and true statement for each calendar month of all moneys received each day by him or by his assistants, for fees, perquisites and emoluments, by this act belonging to the said county, for all services rendered by him or his assistants in their official capacity, and shall transmit and deliver such statement to the county treasurer of said county within five days from the expiration thereof. Such statement shall specify, in the following order, the amounts so received for the calendar month:

For recording deeds.....
 For recording mortgages.....
 For recording other documents and papers.....
 For docketing judgments and canceling docketts.....
 For copies and exemplifications of papers and records.....
 For searches

For filing papers, and for any and all other services.....
 and shall also show the total receipts for said month. Every such statement shall have attached thereto an affidavit of said county clerk in effect that the same is in all respects a full and true statement of all moneys by him received as herein required.

§ 6. At the time of rendering every such statement, such clerk shall pay over to the county treasurer of the county of Wyoming for the benefit of said county, the whole amount of the moneys so received by him since making the last preceding monthly statement.

§ 7. Every county clerk elected or appointed in such county, shall before entering upon the duties of said office, execute to the people of the state, and file with the county treasurer of the

* So in original.

said county, a bond in the penal sum of five thousand dollars with two or more sufficient sureties, or a bond of a fidelity and surety company authorized by the laws of this state to transact business therein; such bond shall be conditioned that said county clerk shall well and faithfully discharge all the duties of his office and all trusts imposed on him by law or by virtue of his office, and shall safely keep and pay over to the county treasurer as herein provided, all moneys which shall come into his hands. Said bond shall be approved as to its form and sufficiency of sureties, by the county judge of Wyoming county, and if any such clerk shall neglect for thirty days to execute or file any such bond according to the provisions of this act, his office shall thereupon become vacant.

§ 8. The said county clerk shall appoint one deputy clerk, whose salary shall be one thousand dollars per annum; he may also appoint such necessary assistant clerks, for whom he may receive a salary not to exceed eleven hundred dollars per annum, unless the board of supervisors of the county of Wyoming shall in their judgment, increase the salary of such assistants to a sum not exceeding fifteen hundred dollars per annum. The deputy and assistants shall hold office at the pleasure of said county clerk. The salaries and compensation of the said county clerk and of his assistants shall be paid monthly by the county treasurer upon the certificate of the county clerk showing the amount due to each and for what due. Nothing herein contained shall prohibit said county clerk from appointing such special deputy clerks or additional assistants as he may deem wise, but such special deputy clerks or additional assistants shall serve without expense to the county of Wyoming.

§ 9. The deputy clerk and assistants shall at all times perform and do all such work and services in and about the county clerk's office and in attendance upon the several terms of court which may from time to time be held within the county of Wyoming, as the county clerk may from time to time direct and require, and all such clerks are to be under the direction, supervision and control of the said county clerk, and at all times during their and each of their periods of employment.

§ 10. Any county clerk, deputy county clerk, special deputy clerk or other clerk referred to in this act who shall receive to his own use, or neglect to account for any fees, perquisites, or emoluments, by this act declared to belong to and be for the benefit of the county of Wyoming or who shall neglect to render to the

said county treasurer an account of all fees received at his office, or to pay over the same as herein required, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment or both at the discretion of the court before whom such officer may be convicted, and shall be liable to said county in a civil action for all moneys so received and not accounted for.

§ 11. The county clerk may require bonds, subject to his approval, from his deputy or special deputy or other employees in his office to secure him for the faithful performance of their duties.

§ 12. The said county clerk shall present to the board of supervisors annually during the month of November in each year a full report, duly verified, of all the receipts of the office, the amount paid over to the county treasurer and the amounts certified by him to be due his assistants for services together with disbursements for postage, expressage or other incidental expenses of his office, which account the board of supervisors shall examine and if found correct audit and allow the same.

§ 13. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 14. This act shall take effect immediately.

Chap. 168.

AN ACT to amend the benevolent orders law, in relation to the Order of American True Ivorites.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter three hundred and seventy-seven of the laws of eighteen hundred and ninety-six, entitled "An act in relation to benevolent orders, constituting chapter forty-four of the general laws," as amended by chapter four hundred and sixty-four of the laws of eighteen hundred and ninety-eight, chapter six hundred and eighty-four of the laws of eighteen hundred and ninety-nine, chapter three hundred and ninety of the laws of nineteen hundred and two, and chapter ten of the laws of nineteen

hundred and three, is hereby amended by adding a new subdivision to be subdivision sixteen thereof, and to read as follows:

16. Any subordinate lodge of the Order of American True Ivorites chartered and instituted in accordance with the regulations of the grand lodge of the Order of American True Ivorites.

§ 2. This act shall take effect immediately.

Chap. 169.

AN ACT to amend chapter one hundred and seventy-five of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the missionary society of the Methodist Episcopal church."

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections two and three of chapter one hundred and seventy-five of the laws of eighteen hundred and seventy-three, entitled "An act to amend the charter of the missionary society of the Methodist Episcopal church," are hereby amended to read respectively as follows:

§ 2. All persons associated, or who may become associated together, in the society above named, are constituted a body corporate by the name and style of the "board of foreign missions of the Methodist Episcopal church," and are hereby declared to have been such body corporate since the passage of said act of April ninth, eighteen hundred and thirty-nine; and such corporation is and shall be capable of purchasing, holding and conveying such real estate as the purposes of such corporation shall require; but the annual income of the real estate held by it at any one time, within the state of New York, shall not exceed the sum of two hundred and fifty thousand dollars.

§ 3. The objects of the said corporation are charitable and religious; designed to diffuse more generally the blessings of education and christianity, and to promote and support missionary schools and christian missions, in foreign countries, and also in such other places, subject to the sovereignty of the United States, which are not on the continent of North America, or the islands adjacent

thereto, as may be committed to the care of said corporation by the general conference of the Methodist Episcopal church.

§ 2. This act shall take effect on the first day of January, in the year nineteen hundred and seven.

Chap. 170.

AN ACT to amend chapter five hundred and seventy-two of the laws of nineteen hundred and two, entitled "An act to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof," in relation to boundaries.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title one of chapter five hundred and seventy-two of the laws of nineteen hundred and two, entitled "An act to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof," is hereby amended to read as follows:

§ 1. All that territory comprising the city of Middletown, in the county of Orange, and state of New York, included within the following boundaries, namely: Beginning at an iron rail in the rear of Gardner's barn near the corner of Woodlawn avenue and East Main street and runs thence north ten degrees twenty-eight minutes west seventy-four and five tenths chains to an iron rail mounment* in the ground on the farm of C. Emmet Crawford, passing through stone monuments on Gardner, Wickham and Wisner avenues; all courses taken from a true north; thence north seventy-four degrees west eighty and three hundred fifty-one thousandths chains to an iron rail monument on the lands of Edward A. Brown, formerly belonging to David R. Miller, passing through stone monuments on Cottage and North streets; thence south sixty-one degrees west eighty-one and two hundred fifteen thousandths chains to an iron rail monument on the lands of John McBride, passing through an iron rail monument at the Erie tracks and a stone monument on Monhagen avenue; thence south sixteen degrees

* So in original.

and thirty-four minutes west forty-six and seventy-three thousandths chains to a stone monument on the asylum property, passing through an iron rail monument on the asylum back road; thence south twenty-eight degrees and twenty-six minutes east ninety-four and one hundred eighty-two thousandths chains to a stone monument between Wawayanda avenue and South street, said line passing through stone monuments at West Main street and California avenue and an iron rail monument on the lands of Booth and in line with Mountain avenue extended; thence south seventy-four degrees east sixty-two and three hundred eighty-eight thousandths chains to an iron pipe near the Erie railroad, said line passing through stone monuments on South street and Dol-sontown road; thence north fifty-nine degrees fifty-four minutes east fifty-seven and nine hundred six thousandths chains to an iron rail on the lands of Houston; said line passing through a stone monument on Genung street and crossing a cattle pass under the Ontario and Western railroad; thence north eighteen degrees and forty-four minutes east sixty-two and three hundred eighty-eight thousandths chains to the place of beginning, said line passing through a stone monument on East Main street containing twenty-three hundred twenty acres, more or less, shall continue to be a city known as the city of Middletown; and the citizens of this state and the inhabitants within the said boundaries, shall be a corporation by the name of the "city of Middletown." Said corporation may take, purchase, hold, sell and convey real and personal property. It may take by gift, grant, bequest and devise, and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement, for parks, gardens, the burial of the dead, the erection of statues, monuments, public buildings, or other public use, upon such terms as may be prescribed by the grantor or donor and accepted by said corporation, and may provide for the proper execution of said trust; and may have, use and from time to time alter, a common seal; may sue and defend in all courts.

§ 2. This act shall take effect immediately.

Chap. 171.

AN ACT to reappropriate money for the erection of an armory in the city of Buffalo for the use of the Sixty-fifth regiment, national guard, as provided by chapter two hundred and fifty-six of the laws of nineteen hundred.

Became a law, April 6, 1906, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one hundred and seven thousand one hundred and nineteen dollars and sixty-one cents, being the unexpended balance of the sum of five hundred and fifty thousand dollars appropriated by chapter two hundred and fifty-six of the laws of nineteen hundred providing for the erection of an armory in the city of Buffalo for the use of the Sixty-fifth regiment, national guard, is hereby reappropriated for the purposes specified in and subject to the conditions imposed by said act; and the comptroller is directed to pay the same for the aforesaid purposes out of any money in the treasury not otherwise appropriated, on the written request of the armory commission.

§ 2. This act shall take effect immediately.

Chap. 172.

AN ACT to reappropriate money for the construction of an armory in the city of Gloversville, as provided for by chapter seven hundred and twenty-nine of the laws of nineteen hundred and four and five hundred and seventy of the laws of nineteen hundred and three.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of six hundred and nine dollars and eighty-four cents, being the unexpended balance of the sum of twelve thousand five hundred dollars appropriated by chapter seven hundred and twenty-nine of the laws of nineteen hundred and four

as provided for by chapter five hundred and seventy of the laws of nineteen hundred and three, is hereby reappropriated for the purposes specified in and subject to the conditions imposed by said act, and the comptroller is directed to pay the same for the aforesaid purposes out of any money in the treasury not otherwise appropriated, on the written request of the armory commission.

§ 2. This act shall take effect immediately.

Chap. 173.

AN ACT to reappropriate money for the erection of an armory in the city of Rochester for the use of the national guard and naval militia there stationed, as provided by chapter six hundred and forty-two of the laws of nineteen hundred and four.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two hundred and four thousand five hundred and twenty-eight dollars and sixty-seven cents, being the unexpended balance of the sum of three hundred thousand dollars appropriated by chapter six hundred and forty-two of the laws of nineteen hundred and four providing for the erection of an armory in the city of Rochester for the use of the national guard and naval militia, is hereby reappropriated for the purposes specified in and subject to the conditions imposed by said act, and the comptroller is directed to pay the same for the aforesaid purposes out of any money in the treasury not otherwise appropriated, on the written request of the armory commission.

§ 2. This act shall take effect immediately.

Chap. 174.

AN ACT to reappropriate money for the construction of a state armory at Olean, as provided for by chapters seven hundred and twenty-nine of the laws of nineteen hundred and four and six hundred and thirty-five of the laws of nineteen hundred and three.

Enacted a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two thousand and thirty-three dollars and thirteen cents, being the amount provided for in the sum appropriated through the income tax and appropriated by chapter seven hundred and thirty-five of the laws of nineteen hundred and three for the erection of an armory at Olean, as provided in chapter six hundred and thirty-five of the laws of nineteen hundred and three, and which was heretofore expended for the purposes specified in the act of the Legislature of the State of New York, and the appropriation was heretofore made for the erection of an armory at Olean, and the same is hereby reappropriated for the erection of an armory at Olean, and the same is hereby reappropriated for the erection of an armory at Olean, and the same is hereby reappropriated for the erection of an armory at Olean.

§ 2. The Senate and Assembly concurring.

Chap. 175.

AN ACT to amend the laws in relation to the Wyoming and to amend the laws in relation to the Wyoming and to amend the laws in relation to the Wyoming and to amend the laws in relation to the Wyoming.

Enacted a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two thousand and thirty-three dollars and thirteen cents, being the amount provided for in the sum appropriated through the income tax and appropriated by chapter seven hundred and thirty-five of the laws of nineteen hundred and three for the erection of an armory at Olean, as provided in chapter six hundred and thirty-five of the laws of nineteen hundred and three, and which was heretofore expended for the purposes specified in the act of the Legislature of the State of New York, and the appropriation was heretofore made for the erection of an armory at Olean, and the same is hereby reappropriated for the erection of an armory at Olean, and the same is hereby reappropriated for the erection of an armory at Olean.

§ 2. The board of supervisors of said county upon the passage of a resolution providing for the payment hereinbefore set forth may arrange for the manner in which said money shall be distributed and for any rules which may be deemed necessary in making such distribution.

§ 3. This act shall take effect immediately.

Chap. 176.

AN ACT to legalize and confirm the proceedings of the board of education and legal voters of union free school district number twenty-one, of the town of Colchester, Delaware county, relative to the levy of a tax and the issuance and sale of a certain district bond of said district.

Became a law, April 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All proceedings and resolutions had and adopted by the legal voters of union free school district number twenty-one of the town of Colchester, in the county of Delaware, at a special meeting held September fifteenth, nineteen hundred and five, authorizing the levying of a tax in the sum of one thousand two hundred and fifty dollars, payable December first, nineteen hundred and seventeen, to provide money for the purpose of completing the new schoolhouse in said district, and all proceedings of said board of education, subsequent to said meeting of voters, relative to the issuing and sale of said bond of said school district in the said sum of one thousand two hundred and fifty dollars, in anticipation of the collection of such tax, and to provide money for the purposes aforesaid, be and are in all respects hereby authorized, ratified and confirmed. Said board of education is hereby authorized and empowered, in accordance with said proceedings and the provisions of this act, to execute and deliver said bond in the sum of one thousand two hundred and fifty dollars, dated October twenty-sixth, nineteen hundred and five, payable December first, nineteen hundred and seventeen, with interest at the rate of four per centum per annum, payable annually on the first day of December in each year.

Chap. 174.

AN ACT to reappropriate money for the construction of a state armory at Oneonta, as provided for by chapters seven hundred and twenty-nine of the laws of nineteen hundred and four and six hundred and thirty-five of the laws of nineteen hundred and three.

Became a law, April 6, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two thousand and thirty-three dollars and fourteen cents, being the unexpended balance of the sum of twelve thousand five hundred dollars appropriated by chapter seven hundred and twenty-nine of the laws of nineteen hundred and four for the erection of an armory at Oneonta as provided by chapter six hundred and thirty-five of the laws of nineteen hundred and three, is hereby reappropriated for the purposes specified in and subject to the conditions imposed by said acts, and the comptroller is directed to pay the same for the aforesaid purposes out of any money in the treasury not otherwise appropriated, on the written request of the armory commission.

§ 2. This act shall take effect immediately.

Chap. 175.

AN ACT authorizing the board of supervisors of Wyoming county to appropriate moneys to provide quarters for grand army posts.

Became a law, April 9, 1906, without the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of supervisors of the county of Wyoming is hereby empowered to raise by taxation annually a sum not to exceed five hundred dollars in said county, which said amount shall be used for the purpose of providing suitable rooms for grand army posts within said county and for lighting and heating the same.

§ 2. The board of supervisors of said county upon the passage of a resolution providing for the payment hereinbefore set forth may arrange for the manner in which said money shall be distributed and for any rules which may be deemed necessary in making such distribution.

§ 3. This act shall take effect immediately.

Chap. 176.

AN ACT to legalize and confirm the proceedings of the board of education and legal voters of union free school district number twenty-one, of the town of Colchester, Delaware county, relative to the levy of a tax and the issuance and sale of a certain district bond of said district.

Became a law, April 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All proceedings and resolutions had and adopted by the legal voters of union free school district number twenty-one of the town of Colchester, in the county of Delaware, at a special meeting held September fifteenth, nineteen hundred and five, authorizing the levying of a tax in the sum of one thousand two hundred and fifty dollars, payable December first, nineteen hundred and seventeen, to provide money for the purpose of completing the new schoolhouse in said district, and all proceedings of said board of education, subsequent to said meeting of voters, relative to the issuing and sale of said bond of said school district in the said sum of one thousand two hundred and fifty dollars, in anticipation of the collection of such tax, and to provide money for the purposes aforesaid, be and are in all respects hereby authorized, ratified and confirmed. Said board of education is hereby authorized and empowered, in accordance with said proceedings and the provisions of this act, to execute and deliver said bond in the sum of one thousand two hundred and fifty dollars, dated October twenty-sixth, nineteen hundred and five, payable December first, nineteen hundred and seventeen, with interest at the rate of four per centum per annum, payable annually on the first day of December in each year.

§ 2. Said bond, when executed and delivered as aforesaid, shall be and become a valid and binding obligation of said union free school district number twenty-one of the town of Colchester, in the county of Delaware.

§ 3. This act shall take effect immediately.

Chap. 177.

AN ACT to enable the Montauk tribe of Indians in the name of their chief or head to maintain actions in the courts of this state to establish and enforce their rights in and to certain real and personal property.

Became a law, April 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Montauk tribe of Indians, is hereby authorized and empowered in the name of its chief or head, his successor or successors, on behalf of said tribe, to commence, maintain and prosecute in the courts of this state, any action or actions, proceeding or proceedings, at law or in equity, against any person or persons, corporation or corporations, whatsoever, to establish the right, title and interest of the said Montauk tribe of Indians in and to any property, real or personal, or to any easements in such real property; and to recover possession thereof, together with such rents and profits or the value of the use and occupation of such real property, and such damages for the taking and detention of such personal property, and to obtain such relief for the obstruction and withholding of such easements, either in damages or otherwise, as citizens of this state are entitled by law to have or recover.

§ 2. Any action or actions, proceeding or proceedings, authorized by this act shall be commenced within two years after the passage of this act, and shall be brought in the supreme court in the first or second judicial district, and shall be confined to property either real or personal or easements in real property situated in the towns of East Hampton and South Hampton in the county of Suffolk in the state of New York; and no such action or proceedings shall be commenced unless the consent in writing of the

commissioner of Indian affairs to bring and prosecute the same, shall first be had and filed in the office of the clerk of the county in which the venue of such proposed action or proceeding is laid. The persons applying for such consent to the commissioner of Indian affairs, shall give notice of the application by publication thereof, in a newspaper published in the county of Suffolk once each week for three consecutive weeks immediately preceding the date of said application, stating the time and place, when and where said application is to be made. Such consent shall set forth the title of the proposed action or proceeding and state generally the purposes for which it is to be brought.

§ 3. Nothing in this act contained shall be held to confer tribal rights, or relations upon any individual or individuals and the question as to the existence of the Montauk tribe of Indians shall be a question of law and fact to be determined by the court.

§ 4. This act shall take effect immediately.

Chap. 178.

AN ACT to amend the labor law, relative to factories.

Became a law, April 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:.

Section 1. Article six of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended by adding at the end thereof two new sections, to be sections ninety-four and ninety-five, and to read as follows:

§ 94. **Tenant-factories.**—A tenant-factory within the meaning of the term as used in this chapter is a building, separate parts of which are occupied and used by different persons, companies or corporations, and one or more of which parts is so used as to constitute in law a factory. The owner, whether or not he is also one of the occupants, instead of the respective lessees or tenants, shall be responsible for the observance and punishable for the nonobservance of the following provisions of

this article, anything in any lease to the contrary notwithstanding,—namely the provisions of sections seventy-nine, eighty, eighty-two, eighty-three, eighty-six, ninety and ninety-one, and the provisions of section eighty-one with respect to the lighting of halls and stairways; except that the lessees or tenants also shall be responsible for the observance and punishable for the nonobservance of the provisions of sections seventy-nine and ninety-one within their respective holdings. The owner of every tenant-factory shall provide each separate factory therein with water-closets in accordance with the provisions of section eighty-eight, and with proper and sufficient water and plumbing pipes and a proper and sufficient supply of water to enable the tenant or lessee thereof to comply with all the provisions of said section. But as an alternative to providing water-closets within each factory as aforesaid, the owner may provide in the public hallways or other parts of the premises used in common, where they will be at all times readily and conveniently accessible to all persons employed on the premises not provided for in accordance with section eighty-eight, separate water-closets for each sex, of sufficient numbers to accommodate all such persons. Such owner shall keep all water-closets located as last specified at all times provided with proper fastenings, and properly screened, lighted, ventilated, clean, sanitary and free from all obscene writing or marking. Outdoor water-closets shall only be permitted where the commissioner of labor shall decide that they are necessary or preferable, and they shall then be provided in all respects in accordance with his directions. The owner of every tenant-factory shall keep the entire building well drained and the plumbing thereof in a clean and sanitary condition; and shall keep the cellar, basement, yards, areaways, vacant rooms and spaces, and all parts and places used in common in a clean, sanitary and safe condition, and shall keep such parts thereof as may reasonably be required by the commissioner of labor properly lighted at all hours or times when said building is in use for factory purposes. The term owner as used in this article shall be construed to mean the owner or owners of the freehold of the premises, or the lessee or joint lessees of the whole thereof, or his, her or their agent in charge of the property. The lessee or tenant of any part of a tenant-factory shall permit the owner, his agents and servants, to enter and remain upon the demised premises whenever and so long as may be necessary to comply with the provisions of law, the responsibility for which is by this

section placed upon the owner; and his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings to recover possession of real property, as provided in the code of civil procedure. And whenever by the terms of a lease any lessee or tenant shall have agreed to comply with or carry out any of such provisions, his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings as aforesaid. Except as in this article otherwise provided the person or persons, company or corporation conducting or operating a factory whether as owner or lessee of the whole or of a part of the building in which the same is situated or otherwise, shall be responsible for the observance and punishable for the nonobservance of the provisions of this article, anything in any lease or agreement to the contrary notwithstanding.

§ 95. **Unclean tenant-factories.**—If the commissioner of labor finds evidence of contagious disease present in any tenant-factory in which any of the articles enumerated in section one hundred hereof are manufactured, altered, repaired or finished he shall affix to any such articles exposed to such contagion a label containing the word "unclean" and shall notify the local board of health, who may disinfect such articles and thereupon remove such label. If the commissioner of labor finds any of the articles specified in said section one hundred in any workroom or factory in a tenant-factory which is foul, unclean, or unsanitary, he may, after first making and filing in the public records of his office a written order stating the reasons therefor, affix to such articles a label containing the word "unclean." No one but the commissioner of labor shall remove any label so affixed; and he may refuse to remove it until such articles shall have been removed from such factory and cleaned, or until such room or rooms shall have been cleaned or made sanitary.

§ 2. This act shall take effect immediately.

Chap. 179.

AN ACT to establish a ferry from and to Gunnison's landing in the town of Crown Point, Essex county, across Lake Champlain to and from a point in the east shore of said Lake Champlain, in the town of Bridport, in the state of Vermont, called Brook's.

Became a law, April 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be lawful for Annie Gilligan and Mary Gilligan of the town of Ticonderoga in the county of Essex, their heirs and assigns, to set up, keep and maintain a ferry across Lake Champlain to and from the lands now owned by the said Annie Gilligan and Mary Gilligan, at Gunnison's landing, in the town of Crown Point, in the county of Essex, from and to the landing at the highway, known as Brook's, in the town of Bridport, in the county of Addison and state of Vermont, for the term of five years from the date of the passage of this act.

§ 2. And if the said Annie Gilligan and Mary Gilligan, their heirs or assigns, shall set up, keep and maintain a ferry as aforesaid, they shall during such keeping and maintaining, provide, keep and maintain a suitable and safe ferry-boat, capable and sufficient for carrying wagons, carriages, horses, cattle, sheep and passengers, and ready at all reasonable times and seasons to transport and ferry across said lake between the said points, persons and suitable and proper animals, goods, chattels and property.

§ 3. The county clerk of the county of Essex, upon the application of any person or corporation, and upon such notice in writing as it may deem proper of the hearing thereupon, and of the time and place of such hearing, together with the proof by affidavit of such notice, may, in the month of May in each year during the continuance of this act, order, direct and determine the several rates of ferriage, and the hours of the day, and the season of the year, and the length of time thereof, that such boat shall be kept in readiness for such transportation at and belonging to said ferry, and until such order, direction and determination, it shall be lawful for the said Annie Gilligan and Mary

Gilligan, their heirs or assigns, to charge, receive and collect reasonable and ordinary ferriage rates; and they shall so keep such boat at all reasonable and proper times and seasons.

§ 4. If the said Annie Gilligan and Mary Gilligan, their heirs or assigns, or any person or ferryman employed by them, shall take, exact or receive any greater or higher rate of ferriage for transporting any person or persons, goods, chattels, or other property whatsoever, than shall be allowed by or under the provisions of the next preceding section of this act, the person or persons so offending, shall forfeit and pay for every such offense the sum of five dollars, to be recovered with costs of suit in an action in justices' court before any justice of the peace within the said county, by any person, copartnership, association or corporation who shall sue for the same.

§ 5. If any person or persons shall, within five years after the passage of this act, set up, keep or maintain any ferry, or shall carry or transport any person, goods or chattels, for hire or pay, across said lake, from any place on the west shore or side of said lake within one-fourth of a mile north or south of Gunnison's landing, so called, every such person or persons for every such offense shall forfeit and pay the sum of five dollars, to be recovered with costs of suit in an action in justices' court before any justice of the peace within said county, by any person who shall sue and prosecute for the same; provided, that nothing in this act contained shall be deemed or taken to prevent any person or persons who reside within the limits aforesaid or adjoining said lake from the right of making use of their own boats and transporting themselves and property across the same at their pleasure.

§ 6. If at any time after the passage of this act it shall appear upon sufficient evidence to the county court of the county of Essex that the said Annie Gilligan and Mary Gilligan, their heirs or assigns, or any of them, shall unlawfully and knowingly neglect to comply with the directions, provisions, or restrictions of this act in keeping or maintaining the ferry as aforesaid, the said court, after giving them due opportunity to be heard in opposition, may adjudge and declare that all the rights and privileges granted to them by virtue hereof shall cease and be of no effect, and such declaration and adjudication shall have operation to terminate and end such rights and privileges.

§ 7. This act shall take effect immediately.

Chap. 180.

AN ACT relative to the Wynantskill* improvement association. Became a law, April 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Wynantskill improvement association, a corporation created and organized under the membership corporations law, is authorized to accept from the trustees of the trusts created under chapter seventy-three of the laws of eighteen hundred and forty-six, entitled "An act authorizing trusts for the benefit of the owners and occupants of mill privileges on the Wynant's kill," the conveyance of the real property, estate and rights held by them in trust, which was executed by said trustees and is dated June tenth, nineteen hundred and two, and to hold and enjoy the property therein described and referred to, for the uses and purposes of said corporation. The said corporation may admit as members thereof, any persons, firms, companies, joint-stock associations or corporations, who are the owners or occupants of any mills or mill privileges along the stream known as the Wynantskill in the county of Rensselaer and may elect as directors of said corporation, persons who are members of any such firms or companies or are officers or stockholders of any such joint-stock associations or corporations, and any such firms, companies, joint-stock associations or corporations may become members of said the Wynantskill improvement association, and may designate the members, officers or stockholders as the case may be, who shall represent them in their membership in the Wynantskill improvement association. The incorporation of the Wynantskill improvement association shall not be in any respect questioned, by reason of the fact that any of the members of the unincorporated association known as the Wynantskill improvement association who voted in favor of the incorporation of such unincorporated association, or that any members of the executive committee of such unincorporated association who signed the certificate of incorporation, were members of any copartnership firm, or of any company, or were officers or stockholders of any corporation owning or occupying mills

* So in original.

or mill privileges along the said stream; and the said association so incorporated, shall be entitled to exercise and enjoy all the powers and rights conferred and be subject to all the liabilities and duties imposed by the general corporation law and articles one and two of the membership corporations law.

§ 2. This act shall take effect immediately.

Chap. 181.

AN ACT to amend the code of civil procedure relative to inventories and accounts of committees of incompetent persons confined in state hospitals.

Became a law, April 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two thousand three hundred and forty-one of the code of civil procedure is hereby amended to read as follows:

§ 2341. Committee of property; to file inventory and account.—The provisions of article two of title seven of chapter eighteen of this act, requiring the general guardian of an infant's property, appointed by a surrogate's court, to file in the month of January in each year an inventory, account and affidavit, and prescribing the form of the papers so to be filed, apply to a committee of the property appointed, as prescribed in this title. For the purpose of making that application the committee is deemed a general guardian of the property; the person with respect to whom he is appointed is deemed a ward and the papers must be filed in the office of the clerk of the court by which the committee was appointed, or if he was appointed by the supreme court, in the clerk's office where the order appointing him is entered, and, if the incompetent person for whom such committee is appointed has been committed to a state institution, and is an inmate thereof, a duplicate of such inventory, account, and affidavit, shall be filed also by said committee with the superintendent or officer having special jurisdiction over the institution where the incompetent person is confined. In every case where a committee has used or employed the services of an

incompetent person, with respect to whom he has been appointed a committee, or where moneys have been earned by or received on behalf of such incompetent person, the committee must account for any moneys so earned or derived from such services, the same as for other property or assets of the incompetent person.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 182.

AN ACT to legalize the elections held by the voters of union free school district number one of the town of Bolivar, Allegany county, New York, on the fifth day of July, nineteen hundred and four, and on the twenty-second day of September, nineteen hundred and five, for the purpose of raising certain moneys; and to legalize certain proceedings and obligations resulting therefrom.

Became a law, April 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The special elections held in union free school district number one of the town of Bolivar, in the county of Allegany and State of New York, by the voters thereof, on the fifth day of July, nineteen hundred and four, and on the twenty-second day of September, nineteen hundred and five, to vote upon and determine propositions to raise money in the aggregate amount of twenty-five thousand dollars, by the levy of taxes and the issuance of bonds to pay for erecting a school building in and for said district, at which elections said propositions received the affirmative vote of two-thirds of the voters of said district, voting thereat, shall be deemed to have been held under due and sufficient notice and conducted in the manner provided by law and are hereby legalized, ratified and confirmed; the tax levies made and ordered to be made pursuant to said elections for said purpose, are hereby legalized, ratified and confirmed; and the proceedings of the board of education of said district, precedent and subsequent to said elections in the matter of the issuance of said series of bonds aggregating twenty-five thousand dollars, dated the fifth day of June, nineteen hundred and five, are hereby legalized, ratified and confirmed, and said series of bonds

sold by said board on the third day of November, nineteen hundred and five, for not less than the par value thereof, the proceeds of which were received by said district, are hereby legalized and validated and made and declared to be valid and legally binding obligations of said school district, notwithstanding any omissions, irregularities or defects in said elections or proceedings.

§ 2. Nothing herein contained shall affect any action or proceeding now pending in any court.

§ 3. This act shall take effect immediately.

Chap. 183.

AN ACT to amend "An act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter twenty-nine of the general laws."

Became a law, April 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-one-b of chapter one hundred and twelve of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter twenty-nine of the general laws," as amended by chapter four hundred and forty-five of the laws of eighteen hundred and ninety-six, as amended by chapter three hundred and twelve of the laws of eighteen hundred and ninety-seven, as amended by chapter one hundred and sixty-seven of the laws of eighteen hundred and ninety-eight, as amended by chapter three hundred and ninety-eight and chapter four hundred and thirty-four of the laws of eighteen hundred and ninety-nine, as amended by chapter eighty, chapter two hundred and fifty-seven and chapter three hundred and sixty-seven of the laws of nineteen hundred, as amended by chapter six hundred and forty of the laws of nineteen hundred and one, as amended by chapter one hundred and fifteen and chapter four hundred and eighty-six of the laws of nineteen hundred and three, as amended by chapter two hun-

dred and five, chapter three hundred and forty-eight and chapter four hundred and eighty-five of the laws of nineteen hundred and four, as amended by chapter one hundred and four, chapter six hundred and seventy-seven, chapter six hundred and seventy-eight, chapter six hundred and seventy-nine, chapter six hundred and eighty, and chapter six hundred and ninety-eight of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 31-b. In respect to applications to traffic as keeper of a hotel. — The provisions of this section shall apply only to cities and to incorporated villages.

Subdivision 1. Before any liquor tax certificate shall be issued or transferred to any corporation, association, copartnership or person upon an application statement by which it appears that the business of keeping a hotel is to be carried on in connection with the traffic in liquors on the premises for which a liquor tax certificate under subdivision one of section eleven of this act shall be applied for, there shall be filed in the office of the special deputy commissioner of excise or county treasurer empowered to issue such certificate a sworn statement that such declared hotel building complies with the provisions of section thirty-one of the liquor tax law relating to hotels and hotel-keepers; such statements shall be filed by the following persons; in the city of New York by the superintendent of buildings of the borough in which such premises shall be situate, in other cities by the mayor of such city and in villages by the president of such village. The above named persons shall inspect or cause to be inspected all buildings within such borough, city or village, which are deemed to be hotels, either as defined by this act or by any building laws or local ordinances, rules or regulations, or which are popularly known as hotels, and shall report in writing within thirty days after the passage of this act to the special deputy commissioner of excise or county treasurer having jurisdiction in such borough, city or village, the location by street and number, and if there be no street and number such description as shall identify the premises, of all such now existing hotel buildings as comply with the provisions of section thirty-one of the liquor tax law relating to hotels and hotel-keepers. Such reports shall be verified by the affidavit of the persons making the same. From time to time said officials shall in a similar way report the location of all other buildings that may hereafter be erected as or altered or converted into hotels, however defined, and which shall comply

with the provisions of section thirty-one of the liquor tax law relating to hotels and hotel-keepers. Such reports shall be made within ten days after the erection or alteration of such buildings is completed. The officials responsible for making the reports mentioned in this section shall in each case file among their records a detailed statement showing the following facts on which such report is based; the number of bedrooms such building contains above the basement exclusive of those occupied by the family and servants; whether each bedroom is properly furnished to accommodate lodgers, whether the bedrooms are separated by partitions at least three inches thick extending from floor to ceiling, whether there is independent access to each bedroom by a door opening into a hallway and whether each bedroom has a window or windows with not less than eight square feet of surface opening upon a street or open court, light-shaft or open air, and whether each bedroom has at least eighty square feet of floor area and at least six hundred cubic feet of space therein; whether such building contains a dining-room which is not a part of the barroom and the area in square feet of such dining-room, and whether it is provided with tables and has suitable table furniture and the number of guests for which it has accommodations at one and the same time; also whether such building contains a kitchen and conveniences for cooking therein sufficient to provide bona fide meals at one and the same time for ten or twenty guests as required by law. All reports and records mentioned in this subdivision and in subdivision two of this section shall be deemed public records and shall be subject to inspection by any citizen at any reasonable time.

Subdivision 2. If it shall appear by such report that the declared hotel building referred to in the application does not comply with the provisions of section thirty-one of the liquor tax law relating to hotels and hotel-keepers, the said special deputy commissioner of excise or county treasurer shall not issue a liquor tax certificate to any person proposing to carry on the traffic in liquor at such place in connection with the business of keeping a hotel, and the said special deputy commissioner of excise or county treasurer shall immediately notify the police commissioner or other chief police officer of such city or the president of such village, that a liquor tax certificate has been denied. A copy of such notice shall also be mailed to the said commissioner of excise. Every such officer upon receiving such notice, shall at once notify the owner and occupant of said building that the said building

does not comply with the laws in relations to hotels; and before any liquor tax certificate shall be issued for such premises a statement must be made by the applicant that the business of keeping a hotel will not be carried on at the said premises. Any taxpayer of a city or village who has reason to believe that any hotel building situate therein for which a liquor tax certificate has been issued upon an application statement by which it appears that the business of keeping a hotel is to be carried on in connection with the traffic in liquors at such premises, does not comply with the provisions of section thirty-one of the liquor tax law relating to hotels and hotel-keepers, may at any time file a statement to this effect, stating his reasons therefor, with the state commissioner of excise. Upon receiving such statement said state commissioner of excise shall, forthwith, cause such hotel building to be inspected and shall file among his records a statement showing in detail the following facts with regard to such building; the number of bedrooms it contains above the basement exclusive of those occupied by the family and servants; whether each bedroom is properly furnished to accommodate lodgers, whether the bedrooms are separated by partition at least three inches thick extending from floor to ceiling, whether there is independent access to each bedroom by a door opening into a hallway and whether each bedroom has a window or windows with not less than eight square feet of surface opening upon a street or open court, light-shaft or open air, and whether each bedroom has at least eighty square feet of floor area and at least six hundred cubic feet of space therein; whether such building contains a dining-room which is not a part of the barroom and the area in square feet of such dining-room, and whether it is provided with tables and has suitable table furniture and the number of guests for which it has accommodations at one and the same time; also whether such building contains a kitchen and conveniences for cooking therein sufficient to provide bona fide meals at one and the same time for ten or twenty guests as required by law. If it appears from this statement that the said building does not comply with the provisions of section thirty-one of the liquor tax law relating to hotels and hotel-keepers, the state commissioner of excise shall forthwith commence proceedings under section twenty-eight of this act to revoke and cancel the liquor tax certificate issued for the said hotel building, upon the ground that at the time of such inspection the said hotel building did not comply with the provisions of section

thirty-one of this act in relation to hotels and hotel-keepers, which shall be a sufficient ground for revoking and cancelling such certificate, unless in accordance with the demand of the state commissioner of excise said liquor tax certificate shall be immediately surrendered to the officer who issued the same. If any liquor tax certificate shall be surrendered or revoked and cancelled as aforesaid, the special deputy commissioner of excise or county treasurer who issued the same shall notify the mayor of the city, the superintendent of buildings of the borough of the city, or the president of the village in which such declared hotel building is situate, and before any liquor tax certificate shall be issued for or transferred to such premises upon an application statement by which it appears that the business of keeping a hotel is to be carried on in connection with the traffic in liquors at such premises, the mayor of the city, the superintendent of buildings of the borough of the city, or the president of the village in which such declared hotel building is situate, shall file a new sworn statement as hereinbefore provided, to the effect that such premises have been made to comply with the provisions of section thirty-one of this act in relation to hotels and hotel-keepers.

Subdivision 3. Any person who shall be convicted of the crime of making material false statements in his application for a liquor tax certificate to traffic in liquor in connection with the business of keeping a hotel, or who shall falsely state in such application that the building where such hotel business is proposed to be carried on complies with all the provisions of this act as to hotels, and with all of the laws, ordinances, rules and regulations of the state and locality where such building is situated in relation to hotels and hotel-keepers, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars, or by imprisonment in a county jail or penitentiary for a term of not more than one year, or by both such fine and imprisonment and shall forfeit the liquor tax certificate or certificates held by him, and be deprived of all rights and privileges thereunder, and of any right to a rebate of any portion of the tax paid thereon and shall be held in custody upon temporary commitment until such certificate or certificates are surrendered to the court in which such conviction is had, by whom the same shall be transmitted to the special deputy commissioner of excise or county treasurer who issued the same.

Subdivision 4. Any person whether holding a liquor tax certificate or not, who shall place on or affix to any building, or adjacent thereto, or suffer or permit any sign, notice or advertisement stating or indicating that such building is a hotel or is conducted as a hotel, or who shall give notice or advertise in any manner that any building owned, occupied, or managed by or for the benefit of such person is a hotel or is conducted as a hotel, shall, if such building does not comply with all of the provisions of section thirty-one of this act applicable to hotels, and with the laws, ordinances, rules and regulations of the state and locality where such building is situated, in relation to hotels and hotel-keepers, be guilty of a misdemeanor, and upon conviction shall, if such person be the holder of a liquor tax certificate or certificates, forfeit the same, and be deprived of all rights and privileges thereunder, and of any right to a rebate of any portion of the tax paid thereon, and shall be held in custody upon temporary commitment until such certificate or certificates are surrendered to the court in which such conviction is had, by whom the same shall be transmitted to the special deputy commissioner of excise or county treasurer who issued the same. If the person so convicted is not the holder of a liquor tax certificate, such person shall be punished by a fine of not more than five hundred dollars, or by imprisonment in a county jail or penitentiary for a term of not more than one year, or by both such fine and imprisonment as is provided in this act.

Subdivision 5. All sheriffs, deputy sheriffs, police officers, constables, their assistants and helpers and all officers of any building department, their assistants and helpers, and all mayors and village presidents and all persons authorized by them, and all special agents and any assistants and helpers, authorized by the state commissioner of excise, may, on any days between the hours of nine o'clock ante meridian and six o'clock post meridian, or at any other time when the same is open, enter and inspect, survey, measure or map any building or premises conducted as a hotel, or claimed or advertised as a hotel, or where a liquor tax certificate has been applied for or obtained upon an application containing the statement that such building complies with the provisions of this act relating to hotels, and with the laws, ordinances, rules and regulations of the state and locality where situated in relation to hotels and hotel-keepers. Any person who shall forbid, obstruct or prevent the officers named, or any one of their helpers or assistants, from free entry into any such

building or premises for the purposes of this act shall be guilty of a misdemeanor, and may be forthwith arrested by such officers, helpers or assistants, or any police officer without a warrant, and upon conviction, if he be the holder of a liquor tax certificate or certificates shall forfeit the same, and be deprived of all rights and privileges thereunder, and of any right to a rebate of any portion of the tax paid thereon, and shall be held in custody upon temporary commitment until such certificate or certificates are surrendered to the court in which such conviction is had, by whom the same shall be transmitted to the special deputy commissioner of excise or county treasurer who issued the same. If the person so convicted is not the holder of a liquor tax certificate, such person shall be punished by a fine of not more than five hundred dollars, or by imprisonment in a county jail or penitentiary for a term of not more than one year, or by both such fine and imprisonment as is provided by this act.

Subdivision 6. Any mayor, village president, sheriff, deputy sheriff, police officer, constable, superintendent of buildings, or other officers of the building department, of any city, borough or village, commissioner of police, chief of police, superintendent of police, district attorney, assistant district attorney, special agent, special deputy commissioner of excise or county treasurer, who shall neglect or refuse to perform any duty devolving on him under and by virtue of section thirty-one-b of this act, or who shall make a false report thereunder, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars, or by imprisonment in a county jail or penitentiary for a term of not more than one year, or by both such fine and imprisonment as is provided in this act, and shall forfeit his office and all rights thereunder.

§ 2. This act shall take effect immediately.

Chap. 184.

AN ACT to extend the corporate existence of the Dutchess Insurance Company.

Became a law, April 11, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The corporate existence of the Dutchess Insurance Company is hereby extended for one year with the same force and effect as if its original charter had not expired.

§ 2. This act shall take effect immediately.

Chap. 185.

AN ACT to revise the charter of the city of Auburn.

Became a law, April 11, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

BOUNDARIES AND CIVIL DIVISIONS.

Section 1. All that part of the county of Cayuga now embraced in the city of Auburn, bounded north by Throop and Sennett, east by Sennett and Owasco, south by Owasco and Fleming, and west by Fleming and Aurelius, shall continue to be a city known by the name of Auburn.

§ 2. The said city shall be divided into ten wards as follows:

First Ward. — All that part of said city lying south of the center of Genesee street, and east of the center of Owasco river, shall be the first ward.

Second Ward. — All that part of said city lying west of the center of the Owasco river, south of the center of Genesee street, east of the center of William street to its junction with South street and thence east of the center of South street to the south line of the city, shall be the second ward.

Third Ward. — All that part of said city lying south of the center of the Owasco river, north of the center of Genesee street and east of the center of Washington street, shall be the third ward.

Fourth Ward. — All that part of said city lying west of the center of State street, north of the center of the Owasco river, east of the center of Washington street continued to Grant street, north of the center of Grant street to a line running to the center of Washington street, and east of the center of Washington street to the north line of the city, shall be the fourth ward.

Fifth Ward. — All that part of said city lying west of the center of North street, north of the center of the Owasco river, and east of the center of State street, shall be the fifth ward.

Sixth Ward. — All that part of said city lying west of the center of Grant avenue to its junction with Franklin street; thence north of the center of Franklin street, west of a line running from the center of Franklin street, south between the city hall building and engine house to the center of the Owasco river, north of the center of Owasco river, and east of the center of North street to the north line of the city, shall be the sixth ward.

Seventh Ward. — All that part of said city lying north of the center of Aurelius avenue, north of the center of Wall street, west of the center of Washington street to Grant street, south of the center of Grant street to a line running to the center of Washington street, and west of the center of Washington street to the north line of the city, shall be the seventh ward.

Eighth Ward. — All that part of said city lying north of the center of Genesee street, west of the center of Washington street, south of the center of Wall street, and south of the center of Aurelius avenue to the west line of the city, shall be the eighth ward.

Ninth Ward. — All that part of said city lying south of the center of Genesee street, west of the center of William street to its junction with South street and thence west of the center of South street to the south line of the city, shall be the ninth ward.

Tenth Ward. — All that part of said city lying east of the center of Grant avenue to its junction with Franklin street; thence south of the center of Franklin street, east of a line running from the center of Franklin street south, between the city hall building and engine house to the center of the Owasco river, north of the center of the Owasco river, and north of the center of Genesee street, shall be the tenth ward.

TITLE II.

CORPORATE NAME AND POWERS.

Section 3. The inhabitants residing in said city shall be a corporation under the name of "The City of Auburn," and by that name may sue and be sued, make and use a common seal, take by gift, grant or purchase, and hold and convey such real and personal property as the purposes of such corporation may require, and be vested with and have power to hold and convey all property now owned by the city of Auburn.

TITLE III.

CITY AND WARD OFFICERS AND THEIR ELECTION.

Section 4. The elective officers of said city shall be a mayor, president of the common council, city clerk, city treasurer, recorder, city judge, a justice of the peace, six constables, and three assessors to be elected by the city at large, and in each ward an alderman and supervisor; the appointive officers of said city shall be a comptroller, a park commissioner, a fire commissioner, a commissioner of public works, a commissioner of charities, a commissioner of police, a city attorney, a city engineer, ten commissioners of deeds, a keeper of the city hall, one or more scavengers, a city sexton, and as many inspectors of election as are authorized by law. There shall be a board of estimate and control which shall consist of the mayor, comptroller, city attorney, president of the common council, and the chairman of the committee on claims and finance of the common council.

§ 5. The term of office of the mayor, president of the common council, aldermen and supervisors shall be two years each; of assessors and constables, three years each; and of the city clerk, city treasurer, recorder, city judge and justice of the peace, four years each.

§ 6. Charter election shall be held in the city of Auburn hereafter on the Tuesday next succeeding the first Monday in November in each year, at the time and places fixed by law for holding general election on that day; such charter election shall be conducted in the same manner in all respects, as general elections, and all the provisions of law relating to general elections shall, so far as applicable, apply to and govern said charter elections.

§ 7. The polls of the charter election in the several election districts shall open and close at the hours provided by statute

for the opening and closing of the polls at general elections. Upon the completion of the canvass of the vote in each election district, the inspectors thereof shall cause a separate statement of all votes received for city and ward officers to be made in detail, and shall sign, certify and seal the same. Within twenty-four hours after closing the polls, they shall file the same in the office of the city clerk.

§ 8. The city clerk shall present such sealed statements to the common council at its first regular meeting, held after they are filed in his office, and said council shall thereupon forthwith determine and declare who are, by the greatest number of votes, elected at such charter election to the several city and ward offices, and shall make and sign certificates thereof in duplicate, one of which, shall be filed in the office of the city clerk, and the other in the office of the clerk of Cayuga county.

§ 9. Every person elected or appointed to any office under this act and all police officers and firemen, before entering upon their duties shall, before some proper officer, take the oath prescribed by the constitution of the state, and file the same with the city clerk; and every person so elected or appointed, except the justice of the peace, shall take and file said oath of office within ten days after notice of his election or appointment, or shall be deemed to have declined the office.

§ 10. If at any election held under and authorized by this act, any two persons shall receive an equal number of votes for the office of mayor, president of the common council, city clerk, city treasurer, recorder, city judge, justice of the peace, assessor, alderman or supervisor, the common council shall at its first regular meeting after such election, order a special election; if a vacancy shall occur in the office of alderman or supervisor, the common council shall order a special election to fill such vacancy for the unexpired term; if at any election, held under this act, two persons shall receive an equal number of votes for any office other than those above mentioned, the city clerk shall by lot, determine such election between the several candidates, in the presence and under the direction of the common council, at a regular meeting thereof.

§ 11. If a vacancy shall occur in any elective city office (except alderman or supervisor), the common council shall immediately fill the same by appointment; and the term of office of the officer so appointed, to fill such vacancy shall be until noon of the first

Monday in January next succeeding the first annual election after the happening of the vacancy; the residue of the term of office, if there shall be any unexpired, shall be filled by election at the first annual election next succeeding the vacancy according to the provisions of this act; but in the event of any such vacancy happening subsequent to the annual election which immediately precedes the expiration of the term of the office in which such vacancy has occurred, the term of the officer appointed by the common council to fill such vacancy shall be only until noon of the first Monday in January next succeeding the happening of such vacancy.

§ 12. Special elections ordered pursuant to the provisions of section ten of this act, shall be held as follows: If ordered in a case where two persons shall have received an equal number of votes, within twenty days after the election resulting in such tie vote; if ordered to fill a vacancy, within two months after such vacancy occurs; the city clerk shall give notice in writing, by mail, to the inspectors of the election district or districts in which special elections are ordered to be held, at least ten days previous to the day appointed for holding such special election, and shall cause a notice specifying the time and places for holding such election, and the officer or officers to be elected thereat, signed by the mayor and himself, to be published daily, for at least six days prior to such special election in two daily papers published in said city. If such special election is ordered in a case where two persons have received an equal number of votes, no new registration shall be had, and the register of voters for the election at which the votes resulting in such tie were cast, shall be the register of voters for such special election. If such special election is ordered to fill a vacancy, and the day designated for holding the same is the day on which a charter election is to be held, the register of voters for such charter election shall be the register of voters, for such special election, and no other registry shall be had; if ordered held on any other day, there shall be but one meeting for registry, which shall be held on the Saturday last preceding the day designated for holding such special election, and the register of voters for the last preceding charter election, to which shall be added at such meeting, the names of such additional voters as are known, or are proven to the satisfaction of the inspectors, to be (or who will be) entitled to vote at such special election, shall be the register of voters for such election. The city clerk shall provide official ballots, ballot boxes, and all

necessary supplies, and shall publish all necessary notices for special elections, when held on a day other than that of a charter election. All provisions of law applicable to and governing the manner of holding charter elections (as far as applicable), shall apply to and govern special elections, the canvassing of votes, making of statements, declarations, certificates, deliveries and returns to and by the city clerk and common council.

§ 13. No person shall be eligible to any elective office mentioned in this title, unless he shall be a resident elector of said city, nor to the office of alderman or supervisor unless he shall be a resident elector of the ward for which such officer is to be chosen; and whenever any person elected to any ward or city office shall cease to be a resident elector of the city or of the ward, for which he shall have been elected, he shall be deemed thereby to have vacated his office, and the common council shall so declare him. No person elected or appointed to any office created by this act, or by any special act relating to the city of Auburn, shall be eligible, or be elected or appointed, to any other municipal office in said city of Auburn during the time such person may serve under such election or appointment. This provision shall not be construed as prohibiting or disqualifying the mayor from acting as a member of such municipal boards as he is made *ex officio* a member of.

§ 14. The civil year and the terms of office of the officers of said city shall begin at noon on the first Monday in January of each year.

TITLE IV.

POWERS AND DUTIES OF THE COMMON COUNCIL.

§ 15. The president of the common council and the aldermen shall be the common council. The president of the common council and the aldermen shall attend the meetings of the common council and the aldermen shall act upon committees, when appointed, and possess such powers as are conferred by general law upon aldermen of cities.

§ 16. The common council shall hold regular meetings at the city hall, in said city, as follows, namely: At noon on the first Monday in January in each year, and at such other times, at least once in each month, as it shall appoint.

§ 17. Special meetings of the common council may be called at any time by the mayor, president of the common council, or three of the aldermen; the call for such meetings when duly signed shall be filed in the office of the city clerk.

§ 18. The common council shall have power, at any of its meetings, to adjourn to such time and such place as it may deem proper.

§ 19. The meetings of the common council shall be held within the city, and shall be public, except when the public interest requires secrecy, and the minutes of their proceedings shall be open at all times for public inspection.

§ 20. The common council shall determine the rules of its proceedings (except as otherwise in this act provided) and provide for the enforcement thereof. It shall be judge of the election and qualification of its own members and have power to compel the attendance of its own members at its meetings; and a majority thereof shall be a quorum for the transaction of business; but a smaller number may adjourn.

§ 21. Each member of the common council shall have one vote, except that on a motion, resolution or ordinance, the president of the common council shall only vote when the votes of the other members present and voting are tied.

§ 22. Any resolution authorizing the appropriation of money for a public improvement shall require the concurring vote of seven aldermen.

§ 23. All appointments shall be made by ballot, and shall require the concurring vote of a majority of all the members of said council.

§ 24. Any person appointed to office under the provisions of this act by the common council may be removed at any time by the concurring vote of seven members of said common council. Any city officer elected under the provisions of this act, except as hereinafter provided, may be removed from office for disability, (in which case the examination shall be one of inquiry and the decision may be for honorable discharge from office,) incapacity, official misconduct, neglect, or violation of law or duty, inefficiency, intemperance, unbecoming official or personal conduct or other offence. No removal shall be made unless written charges, specifying the offence charged, and signed by the mayor, are presented to the common council and proceedings had thereunder pursuant to the provisions of this section and evidence confined to issues. The common council shall appoint a time for a hearing upon said charges and cause a copy of the same to be served upon the officer charged, at least fourteen days before a hearing, with a notice of the time and place thereof. At the time and place specified in said notice the common coun-

cil shall proceed to hear evidence offered and make a decision thereon. If said charges are not sustained it may dismiss the same, or, if sustained, it may remove such officer by a concurring vote of eight members of said common council; and the removal of such officer shall create a vacancy in the office held by him, which said vacancy shall be filled in accordance with the provisions of this act for filling vacancies. The common council is hereby authorized to make rules and regulations for the proper conduct of such hearings. Upon the application of any elective officer so removed by the common council, the action and determination of said common council, may be reviewed by writ of certiorari under the provisions of the code of civil procedure relating thereto, and the right to such review in said manner and to said writ of certiorari is hereby expressly conferred upon every elective officer who may be so removed by the common council. The mayor may be removed at any time by the governor of this state, upon charges preferred by the concurring vote of eight members of the common council, for disability, incapacity, official misconduct, neglect, or violation of law or duty, inefficiency, intemperance, unbecoming official or personal conduct or other offence. No removal shall be made unless a copy of the charges, specifying the offence charged, certified by the city clerk as such, is served upon the mayor at least fourteen days before the date of hearing, with a notice of the time and place thereof. The provisions of law relating to the removal of public officers by the governor and all proceedings therein, shall, so far as practicable, apply to such removal of the mayor, herein provided for. Nothing herein contained shall authorize the removal of the city judge, recorder, justice of the peace or any aldermen or supervisors of said city.

§ 25. The vote upon any ordinance, resolution or question, except a vote required to be taken by ballot, shall, upon the call of any member, be taken by the yeas and nays of all the members present, and a record of such vote shall be entered at large in the minutes.

§ 26. At the first regular meeting in January, following its election, the common council shall appoint by ballot, ten commissioners of deeds and one or more scavengers, who shall hold office for two years and until their successors are appointed and qualify unless sooner removed by the common council. The common council shall appoint a keeper of the city hall when a vacancy occurs in the office. On the first Monday in January following

his election the mayor shall appoint a commissioner of charities, a commissioner of police, a commissioner of public works, a fire commissioner, a comptroller, a park commissioner and, subject to the approval of a majority of all the members of the common council, a city attorney and a city engineer, who shall each hold office during the term of the office of the mayor and until their successors are appointed and qualify, unless sooner removed by the mayor. The city attorney and city engineer may also be removed by the concurring vote of seven members of the common council. The resignation, removal or ceasing to be a resident of said city, or death of any of said officers, shall create a vacancy which the common council or mayor, respectively, shall fill for the unexpired term.

§ 27. The common council may prescribe duties other than those specified by this act or by general or special statute for the officers named in this act. It shall also upon the recommendation of the board of estimate and control fix all salaries and compensation of all persons in the service of the city (except the laborers in the street department and all persons employed by the board of education and water board); but no salary or compensation shall be increased except by the concurring vote of seven aldermen.

§ 28. The common council shall have the management and control of the real and personal property belonging to the city, and may make such orders concerning the same, and leases (not to exceed two years in duration), as it may deem best for the interests of the city, but the money of the city shall remain with the city treasurer until duly disbursed by him.

§ 29. No member of the common council shall be appointed to any office, nor shall any member of any department or of the common council, or any other city officer or employee, or member of the board of commissioners, be interested in any contract, directly or indirectly, in which the city is a party; neither shall any of the said members of the common council, officers or employees furnish, directly or indirectly, to the city for its use in any of its departments, goods, wares, merchandise, teams, labor, services, materials, or supplies, nor be interested, directly or indirectly, in any bill or claim therefor, under the penalty of the forfeiture of his office and the loss of his claim.

§ 30. The common council may make, continue, modify and repeal such ordinances as may be necessary to carry into full effect, any and all powers conferred upon said corporation by

this act, and provide for the violation thereof such punishment, by fine not exceeding one hundred dollars or by imprisonment in the common jail of the county of Cayuga, not exceeding three months, or by both such fine and imprisonment, as said common council may deem proper and may maintain suit in the name of the city of Auburn to restrain, by injunction, a violation thereof. Ordinances may be made as aforesaid for the following purposes, namely:

1. To prevent, restrain, remove and abate nuisances.
2. To prohibit the manufacture, and to regulate the keeping and storing of gunpowder and other dangerous explosive materials.
3. To prohibit, restrain and regulate the discharge of firearms, fireworks, and the explosion of gunpowder and guncotton.
4. To protect the public health, and provide against the spreading of pestilential and infectious diseases.
5. To require every physician in said city to report any infectious or pestilential diseases.
6. To restrain the running at large of cattle, horses, dogs and swine.
7. To prevent the unnecessary obstruction of streets by locomotives and cars, and to regulate their running and speed.
8. To regulate the use of lights in barns, stables, shops and outbuildings.
9. To prohibit the erection or continuance of slaughter houses.
10. To preserve public peace and good order.
11. To prevent and punish fighting, threatening or challenging to fight, and quarrelling.
12. To prevent any riot or noise, disturbance or disorderly assemblages; to suppress and prohibit disorderly houses, houses of ill-fame, gaming houses, gaming and fraudulent devices; to prevent and punish drunkenness and disorderly conduct in public streets and places; and to restrain and punish vagrants, mendicants, street beggars, common prostitutes and disorderly persons.
13. To suppress and restrain houses and places where intoxicating liquors are sold, and to prohibit the sale of intoxicating liquors without license, or the sale or giving away of the same contrary to law, and provide that a portion of the fine imposed and collected therefor, not exceeding one-half thereof, be paid to the person making the complaint.
14. To license, regulate, restrain or suppress the public use of billiard tables, bowling alleys and shooting galleries.

15. To prohibit, restrain and regulate all public exhibitions or performance for money, and to require, fix the amount, and to provide for the collection of license fees therefor.

16. To compel the owner or occupant of any grocery, tallow chandler shop, soap factory, tannery, stable, privy, sewer, drain, or any unwholesome or nauseous house or place, to cleanse, remove or abate the same.

17. To prohibit the bringing or depositing within the limits of said city, the putrid carcass of any animal, or any unwholesome thing.

18. To require the removal of any putrid meat, fish, hides, skins or any decaying substance.

19. To prohibit persons collecting, standing upon, or occupying the sidewalk, bridges, hallways, entrances, passages or stairways.

20. To prevent the incumbering of the roadways, squares, sidewalks, crosswalks, lanes and alleys, with teams, carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, or any substance or materials whatever.

21. To compel all persons to make, maintain, and repair sidewalks in front of premises occupied or owned by them, and to remove snow and dirt therefrom, and to remove snow and ice from the roofs of buildings owned or occupied by them.

22. To compel all persons to remove from that portion of the street lying in front of, or bordering upon premises owned or occupied by them, any dirt, rubbish, snow, or ice accumulating thereon, between the sidewalk and center of the street.

23. To require the owners or occupants of lots fronting upon the streets or traveled ways to erect barriers or safeguards along the line of said streets or traveled ways at dangerous places.

24. To regulate and determine the time and place of bathing in any public waters.

25. To keep open and preserve the course of the Owasco river through said city; to prevent and punish encroachments upon the flowing waters thereof; to prevent the casting into said river any dead animal, earth or other material.

26. To regulate, restrain and prohibit the ringing of bells, the crying of goods, wares, merchandise or other commodities in the streets.

27. To impose and collect license fees on all auction sales, to determine the amount of such license fees, and to provide that each sale made without first having obtained a license and paying

the fees therefor, shall be a violation of the ordinance. To license and regulate pawnbrokers and the business of pawnbrokerage, and to fix the rates to be charged by pawnbrokers in their business; and any person, corporation, member or members of copartnership or firm, who loan on deposit or pledge of personal property, or other valuable thing, other than securities, or written or printed or partly written and partly printed evidences of indebtedness, or who deals in the purchase of personal property or other valuable thing on condition of selling the same back again at a stipulated price, or who takes chattel mortgages or leases upon household furniture in use, is hereby declared and defined to be a pawnbroker.

28. To license, regulate and restrain hawking and peddling in the streets.

29. To establish, preserve and protect public reservoirs, pumps, wells, hydrants and fountains, and to regulate the use thereof.

30. To provide and contract for lighting such streets as the common council deems necessary, and to protect the public lamps.

31. To provide for the care, use and protection of fire engines, hose, hose carriages, hooks and ladders, trucks and all fire apparatus, belonging to said city.

32. To provide for the care, use and protection of public buildings; to regulate the arrangement, equipment and use of every building now or hereafter to be used as a hotel, theater, public hall, place of public amusement, or other public purpose, in so far as the use thereof may involve the safety of the inmates in the case of fire.

33. To establish and regulate markets; to regulate the sale of fresh meats, fish and vegetables; to license butchers and marketmen and to provide for the revoking of such licenses; to determine whether any proposed market will be detrimental to the public interest, and at discretion to grant or refuse permission for such market.

34. To license hackmen, cartmen, omnibus drivers and porters; to fix the fees therefor, and to provide for revoking such licenses, to regulate their compensation for services and to designate their stands.

35. To require persons driving horses with sleighs or cutters to carry bells, either upon the horses, sleighs or cutters.

36. To define the duties of the sealer of weights and measures, and to regulate his compensation.

37. To establish a watch house within said city, make all necessary police regulations concerning the same, and the custody and keeping thereof; to appoint a keeper of the watch house and watchman, and prescribe their powers and duties.

38. To fix and alter the boundaries of a fire district within said city, and to regulate and prevent the erection, alteration or enlargement of wooden or other combustible buildings within said district.

39. To order the owner or occupant of any building or structure which shall be deemed dangerous, or likely to fall, to take down or remove the same. In case of failure to comply with said order, the common council may take down or remove such building or structure and may recover by suit the expense thereof, of said owner or occupant.

40. To prevent the dangerous construction or condition of chimneys, fireplaces, hearths, stoves, boilers or apparatus, in any building, or the deposit of ashes in unsafe places.

41. To prevent and regulate manufactures dangerous in causing or promoting fires.

42. To protect property at fires, and to keep away from the vicinity idle and suspicious persons.

43. To provide how the bells shall be rung in cases of fires or alarms of fires, and to punish nonobservance of the manner prescribed.

44. To compel persons to aid in extinguishing fires and in removing and securing property exposed to danger by fire.

45. To prevent the throwing of glass or nails in streets, or salting of street railway tracks, except at switches, curves and depressions where water freezes.

46. To require a register of births, marriages and deaths.

47. To regulate the numbering of houses, buildings, and lots on streets and the naming of streets; to purchase and place suitable signs for names of streets, and numbers of buildings, and to assess the expense of such numbering upon the property benefited thereby, and cause the same to be collected with and as a part of the next installment of the city tax.

48. To regulate digging in streets by water, gas, subway, electric lights and steam heating companies; and to compel them to repair all leakages which occur in their mains or pipes connecting therewith, in any of the streets of the city.

49. To compel street railroad companies to contribute to the cost of repairing the roadway between the rails, such sum as the common council may from time to time determine just and equitable, not exceeding, however, three-fourths of such cost. Suit may be maintained in the name of the city for the recovery of such sum.

50. To control, regulate and restrain the erection, placing, constructing, laying, stringing, maintaining, and removing of all wires, cables, electrical conductors, poles, overhead construction, conduits and subways upon, over and under the streets, traveled roads, highways, lanes, alleys and public places within said city; to protect the fire alarm poles and wires and punish unlawful, malicious or wilful interference therewith; to provide the manner, method of construction and occupancy of such subways and conduits; their location; the materials of which they shall be constructed, and the manner of their maintenance when completed.

51. To regulate the use of streets and sidewalks by foot passengers, animals, vehicles and street cars; to regulate the speed at which horses shall be driven or ridden and at which vehicles shall be propelled in the streets; to restrain and punish immoderate or reckless driving or riding of horses or propelling vehicles in the streets, and the cruel use or treatment of horses or other animals within the city; to regulate processions or parades occupying or marching upon any street.

52. To regulate and provide the width of tires upon wagons used in drawing and hauling heavy loads upon and over the paved, macadamized and improved roads and streets of said city, and to establish and provide a system of license fees, for the use of such wagons, to be paid by the owners or users thereof, based on the width of the tires used thereon.

53. To regulate the making of the proper connections between the premises abutting on any street or part of a street and any water or gas main or sewer or electrical conduit therein; to regulate the use of sidewalks, building fronts and house fronts within stoop lines; to regulate the construction, repairing and use of vaults, cisterns, areas and drains; to regulate or prohibit the erection or construction of any stoop, steps, platform, bay window, cellar, area, stairs, descent or ascent in any building, or any erection or projection from any building, or otherwise, in, over or upon any street or sidewalk, or the removal of any house or building over or upon any street or sidewalk, or the removal

of any house or building through the streets of the city; to direct and provide for the digging down, draining or filling up of lots whenever the same shall be deemed necessary to prevent injury to the streets, sidewalks or crosswalks, or to adjoining property, at the expense of the owners thereof.

54. To regulate the exhibiting of banners, placards or flags in or across the streets or from houses or other buildings; to regulate the exhibition or distribution of hand bills or other advertising matter along the streets.

55. To provide for the inspection of steam engines and boilers used in the city and to prohibit the use of unsafe ones; to prohibit any person who has not been duly licensed under such regulations as the common council may prescribe from running any steam engine, stationary or otherwise, in the city except the engineers of duly incorporated steam railroads and engineers duly authorized by the authorities of the United States; to classify such engineers and to provide for the appointment by the mayor of such inspectors, commissioners and employees as may be required to carry out such ordinance.

56. To license, regulate and control the running of engines, horse cars, street cars, wagons, carriages, bicycles, automobiles, motor vehicles and other vehicles through the city and the rate of speed of the same, and to compel the registration and the marking of the same as the common council may direct.

57. To license, regulate and restrain the sale and place of sale of fruits, vegetables, peanuts, popcorn, candies, lunches and all other articles from stands, vehicles or otherwise in the streets and public places of said city.

58. To regulate, restrict or prohibit the use of bituminous coal within the city, or any portion thereof.

59. To regulate, remove or prohibit the construction of private sewers, sinks or privies.

60. To license and tax dogs and regulate and prohibit the owning or harboring of the same and to compel the registration thereof, and to require that each dog so licensed and registered shall wear, at all times, a collar marked in such a manner as the common council may designate.

61. And such other and further ordinances not inconsistent with the laws of the state, as shall be deemed expedient for the good government of the city, management of its business, the protection of its property, the safety and welfare of its inhabitants, the protection of their property, the preservation of peace

and good order, the suppression of vice, the benefit of trade, the preservation and protection of the public streets, the preservation of the public health, the prevention and extinguishment of fires and the exercise of its corporate powers and performance of its corporate duties.

§ 31. Unless the common council shall otherwise direct, every ordinance, by-law or regulation imposing fine or imprisonment, or both such fine and imprisonment, shall be published three times in two daily newspapers of said city before the same shall take effect; but whenever the common council shall so direct, an ordinance, by-law, or regulation shall take effect from the day of the first publication thereof; an affidavit of such publication, made by the printer, publisher or foreman, shall be filed in the office of the city clerk, and the same, or a copy thereof, certified by said city clerk shall be presumptive evidence in all courts or places of the legal promulgation of such ordinance, by-law or regulation.

§ 32. Every resolution passed by the common council shall, by the city clerk within twenty-four hours, be submitted to the mayor, who shall, within six days after such submission, express in writing his approval or disapproval of the same. In case the mayor shall not so express his approval of any resolution, the common council may, at its next regular meeting, repass the same by a concurring vote of eight aldermen. And no resolution shall be of any effect unless approved by the mayor, or repassed by the common council as aforesaid. The presentation of a resolution at the office of the mayor between the hours of nine o'clock in the morning and five o'clock in the afternoon shall be deemed a submission to the mayor for the purposes of this section.

TITLE V.

POWERS AND DUTIES OF CITY OFFICERS.

Section 33. Mayor; (a) executive power.—The executive power of the city is vested in the mayor, and in such executive officers and departments as are, or may be created by law, or by resolutions or ordinances of the common council.

(b) Duties.—It shall be the duty of the mayor to see to the faithful performance of their duties by the city officers and departments, to maintain peace and good order within the city, to take care that the laws of the state and the ordinances of the

common council be executed and enforced within the city; to communicate by a written message to the common council at least once a year a statement of the finances and general condition of the city, and with such recommendations in relation thereto as he may deem proper, and to give such information in relation to the same as the common council may from time to time require. It shall also be his duty to receive and examine into all complaints made against any city officer for neglect of duty, or malfeasance in office, and shall sign all appointments made by the common council.

(c) **Signing of deeds and contracts.**—The mayor shall on behalf of the city sign all deeds and contracts made by it.

(d) **Examination of accounts.**—The mayor shall have authority at all times to examine the books and papers of any officer, employee or department of the city, and as often as he may deem proper, to appoint one or more competent persons to examine, without notice, the accounts of any city officer or department, and the money, securities and property belonging to the city in the possession or charge of any officer or department, and to report to the common council the result of such examination; and he may administer oaths to witnesses and take affidavits in all cases relating to the affairs of the city.

(e) **Appointment of officers.**—Except as otherwise provided in this act, the mayor shall appoint all the city officers, and all standing committees of the common council, and except as otherwise provided in this act or in the other laws of the state, he may remove at pleasure any city officer appointed by him.

(f) **General duties.**—The mayor shall have such other powers and perform such other duties as may be prescribed in this act or by other laws of the state, or by resolutions and ordinances of the common council not inconsistent with the laws of the state.

(g) **Power of mayor.**—The mayor being charged to take care that the laws of the state and the resolutions and ordinances of the common council, and of the various city departments be duly executed within the city, is empowered to control and direct the police department for this purpose and in case of riot or insurrection he may take command of the whole police force, including the chief executive officer thereof, and he may for the occasion appoint and commission as many special policemen as he may deem necessary, who shall have all the powers of regular members of the police force.

(h) **Clerk.**—The mayor may appoint an executive clerk.

(i) **President of the common council.**—The president of the common council shall preside at all meetings of the common council, and discharge such other duties as president, as may be defined by resolution and ordinances of the common council and other provisions of this act. The common council may at any regular meeting, choose one of its members president with like powers to fill a permanent vacancy in the office and in like manner it may choose a president pro tempore to act during the temporary absence or inability of the president. The president of the common council may vote like other members of the common council on all appointments and removals made by the common council and upon all resolutions and ordinances submitted to that body for its action in case of a tie vote. In case of the absence from the city or inability of the mayor, the president of the common council shall act as mayor until the mayor returns or his inability ceases, and the said president of the common council shall be vested with all the powers and perform all the duties of the mayor during such absence or inability. All appointments made by the president of the common council (acting as such mayor) to fill any office or a vacancy in any office, shall terminate upon the return of the mayor or the cessation of his inability. No removal shall be made by the president of the common council (acting as such mayor) except for cause.

§ 34. **City clerk; his duties.**—The city clerk shall have an office in the city hall, which shall be kept open at such times as the common council shall prescribe. He shall attend all meetings of the common council; keep a record of its proceedings; have the custody of the corporate seal; carefully index, file and arrange, in his office, for convenient use, all books and papers required by law or the common council; see that all matters requiring publication are promptly and correctly published; countersign all licenses granted by the common council, and enter in an appropriate book the name of every person to whom a license shall be granted, the date and particulars thereof, and the sum paid therefor. At the first regular meeting of the common council in each month he shall report the amount so received, and file in his office the city treasurer's receipt therefor. Within twenty-four hours after the passage of any resolution authorizing any public improvement, or for the payment of money, he shall deliver to the mayor a copy thereof, and within twenty-four hours after any resolution directing the payment of any money shall take effect,

he shall furnish to the comptroller and city treasurer certified copies of said resolution, with a statement of the proceedings of the common council relating thereto. He shall immediately notify every person elected or appointed to any office, and shall give notice to all members of the common council, of special meetings thereof. He shall serve, or cause to be served, all notices required by the common council, and perform such other duties as it may require. He shall have the power and perform the duties of town clerk. He may administer oaths, take affidavits, acknowledgments of deeds and other papers, and receive the legal fees therefor. He shall act as secretary of the board of estimate and control. He may appoint such assistants as the board of estimate and control shall prescribe and the common council approve. In case of the inability of the city clerk to act, the common council may appoint a city clerk pro tempore, who shall perform the duties of the office until the city clerk shall resume the same.

§ 35. **Department of finance; (a) comptroller.**—There shall be a comptroller, who shall be appointed by the mayor; he shall hold office during good behavior but is subject to removal at any time at the pleasure of the mayor.

(b) The office of the comptroller shall be in the city hall and be kept open at such times as the common council shall prescribe.

(c) The comptroller shall act as purchasing agent for the city; all specifications for supplies for all departments of the city government (except those of water and education) shall be forwarded to the comptroller who shall obtain the lowest figures thereupon and make purchases thereof after obtaining in each case the written approval of the chief executive officer of the department for which the supplies are to be purchased, or in case of such officer's absence or inability to act, of the mayor.

(d) The comptroller shall also superintend the fiscal concerns of the city, and manage the same pursuant to law and the ordinances and resolutions of the common council. He shall keep a separate account with every department for which funds are specially raised by tax (except those of water and education) or for which funds are raised by assessment for local or other improvement. He shall require all drafts for the payment of any claim against the city to state particularly against which account the drafts are drawn, and shall not permit any specific funds to be overdrawn; nor permit moneys to be drawn from one fund to pay the claims chargeable to another, except as otherwise provided in this act or special acts relating to the city of Auburn.

(e) The comptroller shall prescribe the form of all claims to be presented against the city (except for the water and educational departments), and the form and substance of the affidavit to be appended thereto and sworn to by the claimant. Whenever any person intends to present for payment a claim against the city, he shall prepare and verify it, and the same shall then be presented to the comptroller for his examination and audit; but this shall not be required as to a claim for a fixed salary, for the principal or interest on a bonded or funded debt, or for the regular or stated compensation of the clerks, teachers, police officers, firemen or appointees in any of the departments. The comptroller shall, twice in every month, cause all claims which have been presented to him for audit to be tabulated and numbered, and copies of such tabulation to be distributed to the mayor, to each member of the common council and to the head of each department. He shall take no action upon any claim until five days after such distribution, and when he shall have taken action thereon, he shall cause copies of all claims and his action upon them, with any reason for such action which he may have to give, to be sent to each, the claimant and the common council; if the claimant be dissatisfied with the audit, he may appeal to the board of estimate and control, by serving notice of appeal, in writing, upon the comptroller and the common council at any time before the first regular meeting of the common council that is held after he receives the comptroller's audit. If the common council, or any taxpayer be dissatisfied with such audit, it or he may appeal to the same board, on behalf of the city, in like manner, by serving notice of appeal upon the claimant, the comptroller and city treasurer, within ten days after the meeting of the common council at which such claims shall have been reported by the comptroller. The board of estimate and control shall make rules for the procedure upon the hearing of such appeals, and the decision and audit of that board, after hearing upon the appeal to it, shall be final and conclusive as to the amount of the claim; but if there be no appeal from the original audit, it shall in like manner be final and conclusive. Upon the appeal herein provided for, the city treasurer shall take the place of the comptroller as a member of the board. The comptroller and the board of estimate and control, upon an appeal to it as herein provided, shall have authority to take evidence and ex-

amine witnesses in reference to the claim, and for that purpose may issue subpoenas for the attendance of witnesses; and the comptroller and each member of the board of estimate and control is hereby declared to be ex officio a commissioner of deeds. When a claim has been finally audited, it, with the certificate of the comptroller, or in case of appeal with the certificate of the board of estimate and control endorsed thereon shall be filed in the office of the city treasurer, and remain a record therein. All claims and bills which are audited by any board or department which has power to audit bills (except the water and educational departments), and all warrants and drafts drawn in payment of any claims or bills against the city (except the water and educational departments), must be presented to the comptroller to be countersigned by him before they are paid from the city treasury; and the city treasurer shall not pay any claims, bills, warrants or drafts unless they are countersigned by the comptroller. A list of all bonds issued by the city shall be kept in the comptroller's office where it shall be open to the inspection of any citizen; when any bonds are paid by the city treasurer, they shall be presented by him to the comptroller for cancellation.

(f) Any person presenting for payment a claim against the city or any board thereof, shall use his own name, or the name of the firm of which he is a member. If any person shall use a name other than his own, or that of the firm of which he is a member, he shall be guilty of a misdemeanor, and any member of any board, or any officer of the city, who shall knowingly approve, audit or pay any such claim shall be guilty of a like offense. The comptroller or city treasurer upon receipt of a complaint under oath and in writing signed by any citizen, stating that he has reason to believe that any illegal claim has been presented, shall withhold payment of the claim until satisfied of its legality. No claims shall be paid until the time to appeal from the audit thereof has expired, and if an appeal has been taken within such time until the appeal shall have been decided.

(g) The comptroller shall keep an account between the city and the city treasurer, and for that purpose he shall procure from the banks in which the city's funds are deposited by the city treasurer, monthly statements of the moneys which have been received and paid out on account of the city and he shall examine the city treasurer's books, accounts and bank books and ascertain as to their correctness and report on the same monthly to the common council.

(h) The comptroller shall on or before the first Monday of September in each year, render to the common council, verified by his oath or affirmation, a full and accurate statement of the financial condition of the city for the preceding fiscal year, showing the amount of receipts and expenditures of the city since the last annual report, the sources from which the funds have been derived and for what purposes expended; such statement to be in detail, in separate columns, showing the several funds belonging to the city, the amount drawn on each fund, and its then present condition, showing also the several debts of the city, when the same are payable, and the rate of interest on each. He shall perform such other and further duties pertaining to his office, not inconsistent with the provisions of this act or the other laws of the state, as may from time to time be prescribed, by the common council. He may appoint such assistants as the board of estimate and control shall prescribe and the common council approve.

(i) **City treasurer.**— The city treasurer shall have an office in the city hall, which shall be kept open on each day in the year (Sundays and legal holidays excepted), from nine o'clock in the forenoon until three o'clock in the afternoon, or at such hours as the common council may direct. He shall receive all taxes and local assessments, and shall keep at his office all assessment rolls and warrants, which may be delivered to him by the city clerk or comptroller. He shall keep an account of all receipts and expenditures, and shall enter daily in suitable books the sums received by him for all purposes with the names of the persons or departments on whose account the same are paid. When requested he shall exhibit for the inspection of the mayor, the comptroller, the committee on claims and finance, or any person or committee appointed by the mayor or common council for that purpose, all books and papers in his office. He may appoint such assistants as the board of estimate and control shall prescribe and the common council approve. The city treasurer shall receive and have the care and custody of all moneys of the city and he shall pay them out as hereinafter provided. All moneys of the city received by the city treasurer shall be deposited by him daily in one or more banks, banking houses or trust companies in the city of Auburn; which said depositories may be designated by the board of estimate and control, and the said depositories so designated by said board, shall, before receiving any moneys of the city execute a bond to the city of Auburn in such form and in such penal sum as the board of estimate and control shall require and approve, with two

or more sureties, to be approved by said board, and justifying in all in double the amount of the penal sum of said bond, which said bond shall be conditioned for the delivery of all said moneys deposited, to the city treasurer or to any other person, company, firm, corporation or association, duly authorized to receive the same or any part thereof, and for the faithful performance of any agreement entered into with the city of Auburn; which bond, when so approved by the board of estimate and control, shall be filed and recorded in the office of the county clerk of Cayuga county. The board of estimate and control may at any time require said depositories to give a bond with additional or new sureties, to be approved, filed and recorded in like manner as the former bond. The interest on such deposits shall belong to the city. No money shall be drawn out of a city depository except on checks or drafts signed by the city treasurer and countersigned by the comptroller, and such checks or drafts shall always be made payable to the person entitled to receive the money, unless such money be drawn for public use in the city treasurer's office, in which case the checks, so signed and countersigned, shall be made payable to the order of said city treasurer. The city treasurer shall keep a separate account of every department for which funds are specially raised by tax, or for which funds are raised by assessment for local or other improvement, and in every check or draft drawn by him, he must state particularly against which account the check or draft is drawn (unless the money is drawn for use in the office); he shall at no time permit any fund to be overdrawn, or drawn upon one fund to pay a claim chargeable to another, except as otherwise provided in this act or special acts relating to the city of Auburn; and no money shall be paid out by him unless upon a bill, claim, draft or warrant audited by the proper officer, board or department and in all cases countersigned by the comptroller except for principal and interest upon the bonds of the city. In the absence or inability of the comptroller the mayor may countersign checks or drafts.

(j) **Board of estimate and control.**—The board of estimate and control shall meet upon the call of the mayor, or as directed by the board. The mayor shall be the president of the board, and the city clerk shall act as secretary thereof. The fiscal year shall begin on the first day of July; on or before the fifteenth day of May in each year, all heads of departments and officers empowered by this act, or by city ordinances, to control or authorize expenditures, (except as provided in section seventy-

five of this act) shall furnish to the board of estimate and control estimates in writing of the amount of probable expenditures for the next fiscal year, in their respective departments or offices. On or before the first day in June in each year the board of estimate and control shall make an estimate of the probable revenues to be received by the city and of the several sums of money, which it deems necessary to be raised by tax, to pay the expenses of conducting the business of the city in each department and office thereof, a sum not exceeding fifteen thousand dollars for paving one or more streets designated by the common council, and for state, county and any other lawful purposes; and for the various purposes contemplated by this act, and otherwise by law for the fiscal year, and also to pay the principal and interest of any city and town of Auburn indebtedness falling due during the fiscal year. After it has made such estimate, it shall submit in writing with such reasons for it in detail as it may have to give to the common council which shall at its next regular meeting consider such estimate. The common council, after due publication of the time and place of hearing, shall hear any taxpayer who wishes to be heard in reference thereto, and after such hearing it may adopt such estimate as is submitted to it, or diminish, or reject any item therein contained, except such as relates to the city debt, and educational and water departments; and adopt by the concurring vote of seven aldermen the estimate as thus amended; but it shall not increase any item in such estimate for any department, office or purpose. When it shall have adopted the estimates as provided in this act, the same shall be entered at large in its minutes and published in its proceedings; and the several sums in the final estimates so adopted shall be and become appropriated for the several departments, offices, and purposes named in the estimates for the ensuing fiscal year; and such estimates shall be known as the tax budget; and the several amounts therein named shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city, at such time and in such manner as is provided in and by the provisions of this act relating to the levying and collection of taxes.

(k) The board of estimate and control shall fix the salary or compensation of all persons in the service of the city, and the time of payment thereof, (except the laborers in the street department, and all persons employed by the board of education and water board) but the salary or compensation so fixed

must be approved by the concurring vote of seven aldermen before they go into force or become binding upon the city; but no salary or compensation shall be increased except by the concurring vote of seven aldermen.

(1) At any time by a unanimous vote, the board of estimate and control may recommend to the common council the issue of bonds for extraordinary expenditures. Such recommendation shall be received by the common council which shall order a public hearing upon the same, and may within thirty days thereafter approve of an issue of bonds to such an amount, of such duration and at such a rate of interest as recommended by the board of estimate and control; but such approval must be by the concurring vote of eight aldermen; the common council shall thereupon direct the mayor and city clerk to issue and sell such bonds and deposit the proceeds with the city treasurer. The common council is hereby expressly prohibited from borrowing any money on account of the city except as provided in this section and sections ninety-three, one hundred and four, and one hundred and six of this act, and except when authorized to create a bonded indebtedness. All bonds issued under the provisions of this title and section, section ninety-three and sections one hundred and four, and one hundred and six of this act, shall contain a recital that they are issued pursuant to and in conformity with the provisions of the aforesaid sections of the revised charter of the city of Auburn, which recital shall be conclusive evidence of their validity and of the regularity of their issue.

§ 36. **Department of public works:** (a) **commissioner of public works.**—There shall be a department of public works, the head of which shall be a commissioner of public works, appointed by the mayor. He shall, subject to the provisions of this act, other laws of the state and the resolutions and ordinances of the common council, have cognizance, direction and control of the construction, alteration, repair, care, cleaning, paving, flagging, lighting and improving streets, ways and sidewalks; of the construction, alteration and repair of all city buildings, and of all bridges belonging to the city; of all public sewers and drains in the city; and the care, superintendence and management of all grounds belonging to the city; except as otherwise provided in this act; but in the exercise of his powers and the discharge of his duties, he shall make no expenditures, nor shall he create any debt against the city, unless he be authorized so to do by the common council, general or special resolutions or ordi-

nances of the common council, except as provided in this act. Subject to the approval of the mayor, the commissioner of public works may appoint a street superintendent; he may also appoint as many subordinates as the board of estimate and control shall prescribe and the common council approve.

(b) **Street superintendent.**— The street superintendent shall personally supervise the making and repair of streets and other highways and of bridges, and act in all things, except as in this act otherwise provided, under the direction of the commissioner of public works.

(c) **Sidewalk inspector.**— Subject to the approval of the mayor, the commissioner of public works may appoint one or more sidewalk inspectors who shall inspect sidewalks within the city and see that the provisions of this act and of all ordinances relating to sidewalks are strictly enforced; who shall serve personally, when possible, all certified copies of all sidewalk resolutions passed by the common council; who shall report to the commissioner of public works, the location of all sidewalks, the condition of which, require new walks to be laid and all walks needing repairs, but not in a dangerous condition, and perform such other duties as the common council shall require and direct.

(d) **City sexton.**— Subject to the approval of the mayor, the commissioner of public works shall appoint a city sexton, when a vacancy in the office occurs, who shall, under the direction of the commissioner of public works have charge of the burial grounds of the city, and shall perform such other duties as the common council may prescribe.

(e) **City engineer.**— There shall be a city engineer, appointed by the mayor, subject to the approval of a majority of all the members of the common council who shall hold office during good behavior, but is subject to removal at any time at the pleasure of the mayor or by the concurring vote of seven members of the common council. He shall be a civil engineer of at least two years' practical experience in his profession. It shall be his duty to perform all the ordinary engineering and surveying services needed in the affairs and business of the city, and to supervise, under the general directions of the commissioner of public works, all the work done for the city in which the skill of his profession may be required or useful. He may appoint such assistants as the board of estimate and control shall prescribe and the common council approve.

(f) **Park commissioner.**—The mayor shall appoint a park commissioner who shall have under the direction of the mayor, the care, management, custody and control of all the parks of the city, and of all the grass plats and shade trees standing outside of private grounds. Subject to the direction of the mayor he shall prescribe the powers and duties of his subordinates. Subject to the resolutions and ordinances of the common council and the direction of the mayor, he shall have the expenditure of all money apportioned to this branch of the department by the action of the board of estimate and control and of the common council as in this act provided. He shall keep an account of such expenditures and prepare bills against the city in items for the same, in such form, with such verification and vouchers as may be prescribed by the comptroller, and such bills shall be submitted to the comptroller, and, when finally audited, as in this act provided for other city claims, shall be paid by the city treasurer as provided in the case of other claims against the city. The commissioner, under the direction of the mayor, may employ all the laborers needed upon the parks, grass plats and trees above mentioned, and shall fix their wages, subject to the approval of the board of estimate and control, and the common council. He shall conduct with the aid of the city attorney, all negotiations and proceedings for the acquisition of land for any park, or for any addition to any park, when the acquisition of such land shall have been authorized by resolution passed by the concurring vote of eight aldermen, and when such lands shall have been acquired, he shall regulate and improve the same for park purposes. He shall also make such rules, regulations and ordinances not inconsistent with the ordinances of the common council and the laws of the state as he may deem proper for the government, management, and care of all parks, grass plats and shade trees above mentioned, and such rules, regulations and ordinances, when approved by the common council, and published three times in two daily newspapers published in said city, shall have the force and effect of city ordinances. He shall also have the power to regulate the erection, placing, constructing, laying, stringing, maintaining and removal of all wires, cables, electrical conductors, poles, overhead construction, conduits and subways upon, over and under the public streets, and places within said city, subject to the approval of the fire marshal, as to safety. No poles of any kind shall be erected upon any street within the city limits unless a map showing its exact location be duly approved

by the park commissioner, and placed on file in the office of the city engineer. No one shall cut down, trim, injure or deface any shrub, bush or tree standing outside private grounds unless duly authorized by the park commissioner. He shall also have such other powers and be charged with such other duties not inconsistent with the provisions of this act and the other laws of the state, as the mayor may direct or as the common council may, by resolution or ordinance, define and prescribe.

§ 37. **City attorney.**— The city attorney shall be the legal adviser of the mayor, the common council and of the several departments of the corporation; he shall prepare all legal papers for the city; have the management of all its law business, and perform such other duties as the common council may require, or otherwise directed in this act. In case of his sickness or absence he shall have power to authorize any attorney to appear for and on behalf of the city in any suit or proceedings.

§ 38. The constables shall possess the same powers, be subject to the same liabilities and receive like fees, except as modified by this act, as constables of the several towns of the state, and shall possess such other powers as relate to their duties under this act.

§ 39. The assessors shall perform the duties and possess the powers conferred upon assessors of towns and be subject to like obligations except as otherwise provided by this act. They shall perform all the duties specified in this act in reference to the assessment of property within the city, for the purpose of levying the taxes imposed by the common council, or for defraying the expenses of local improvements, and shall make and deliver to the city treasurer, on or before the eighth day of May in each year, a proper description of the land on which taxes or assessments are levied and unpaid, with the names of the owners or occupants, if known. They shall perform such other duties as the common council shall require and direct.

§ 40. The supervisors shall have the powers and be under the duties of supervisors of towns, under general laws of the state so far as they are consistent with the provisions of this act; and such laws so far as they are applicable, shall regulate such powers and duties. They shall be members of the board of supervisors of the county of Cayuga.

§ 41. The scavenger shall, under the direction of the board of health, remove or cause to be removed, from all public places, noisome or offensive matter, and perform such other duties as the common council may prescribe.

§ 42. The comptroller, city clerk, city treasurer, recorder, city judge, street superintendent, assessors, justices of the peace, and constables of said city, shall, before assuming the duties of their respective offices, execute a bond to the people of this state, in such sum and with such sureties as the board of estimate and control shall fix and approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for, and pay over all moneys received by them respectively, according to law, which bonds, with the approval of a majority of the members of the board of estimate and control endorsed thereon, shall be filed in the office of the city treasurer, except the bond of the city treasurer which shall be filed in the office of the city clerk. The board of estimate and control may require each or any of said officers to give an additional or new bond in such penalty as it shall fix, which additional or new bond shall be approved and filed in like manner as the former bond. Any other officer or employee of the city may be required at any time by the board of estimate and control to give a bond for the faithful performance of his duties or the payment of moneys received by him, in a penalty to be fixed by a majority of said board, which said bond shall be filed in the office of the city treasurer. If the board of estimate and control shall require the city treasurer to execute and deliver a surety company bond, the premium on said bond shall be paid by the city.

TITLE VI.

CITY COURTS.

Section 43. The recorder shall hear all the complaints made to him upon oath, against any person charged with the commission, within said city, of a felony, misdemeanor, statutory offense or violation of any ordinance and may compel the attendance of witnesses and examine them on oath, upon the hearing of such complaint. If he has reason to believe from such examination, that the offense has been committed by the person charged, he shall issue his warrant, in due form of law, for the apprehension of the offender. The recorder shall have power to hear, try and determine all violations of city ordinances, and of the provisions of the city charter, to impose the punishments prescribed therefor, and to sentence persons convicted thereof to imprisonment in the Cayuga county jail. The recorder shall have power to hold courts of special sessions within said city and shall possess the powers

and jurisdiction and be subject to the liabilities of justice of the peace of towns, and may be removed in like manner. Subject to the power of removal provided by sections fifty-seven and fifty-eight of the code of criminal procedure, the recorder shall have in the first instance, exclusive jurisdiction, to hear, try and determine all offenses committed within the city of Auburn, triable in courts of special sessions and shall have the power and jurisdiction conferred upon such courts by section fifty-six of the code of criminal procedure; except that said powers and jurisdiction shall not extend to crimes committed without the city of Auburn; and the recorder or other officer acting for any reason in his place shall have power to impose any sentence, punishment, fine, imprisonment, or both, as is provided in such cases by the provisions of this act, of the penal code or of special statutes of the state. The recorder shall have exclusive jurisdiction as against the city judge and justice of the peace within the city, in all criminal matters and violations of city ordinances. All courts held by him, including such as have heretofore been denominated courts of special sessions, shall be known as the recorder's court. The recorder may sentence any person convicted before him and fined for a violation of any ordinance to imprisonment in the county jail of Cayuga county until the fine be paid, not to exceed the period of imprisonment named in such ordinance. In any case where a person is convicted in said recorder's court, the recorder may, in his discretion, where facts in mitigation of punishment exist, suspend sentence during the good behavior of the person so convicted; and may at any time thereafter within one year from the date of such conviction, summarily, upon proof to his satisfaction of misconduct on the part of such convicted person impose sentence, which shall thereupon be executed. The jurisdiction of said recorder's court over any such convicted person and over any such criminal action or proceeding shall continue until the above-mentioned one year shall have elapsed or the sentence shall have been imposed and executed as prescribed herein. If at the time of any conviction in said recorder's court the county of Cayuga has a contract with any penal institution for the keeping of prisoners, the recorder may sentence the persons so convicted (when the imprisonment is for sixty days or more) to be imprisoned in such penal institution instead of in said county jail. He shall receive quarterly from the sheriff of the county all moneys paid to said sheriff for fines imposed by said recorder, which together with all other money received by him for like purposes, he shall

pay over to the city treasurer. He shall report in detail to the common council, at its first regular meeting in each quarter, the names of all persons convicted and sentenced by him with the date, offense charged and convicted of the penalty imposed respectively, and all moneys received by him on account thereof, accompanied by a receipt from the city treasurer therefor.

§ 44. In case of the absence or inability of the recorder to act, or of a vacancy in said office, the city judge, or, if he shall be unable or decline to act, then the justice of the peace, shall perform the duties, possess the powers and jurisdiction, and be subject to the liabilities of the recorder until he shall resume the duties of his office or until such vacancy shall have been filled in accordance with the provisions of this act. The city judge or justice of the peace shall continue to have jurisdiction in any matter over which he shall, as aforesaid, have acquired it, until he shall have finally disposed of the same. In such cases the justice of the peace shall, after the recorder resumes the duty of his office, receive the same fees as provided for justices of the peace, by law in criminal cases, to be audited and paid as provided by section seventy-one of this act.

§ 45. There shall be a court of civil jurisdiction to be denominated the "city court of the city of Auburn," which shall be held by the city judge. Said court shall have jurisdiction in civil actions and proceedings cognizable by law in justices' courts of towns, whether commenced by warrant, attachment, summons or otherwise, or whether arising on contract or otherwise, in which the sum demanded, or the value of the property sought to be recovered shall not exceed one thousand dollars, and in which all the defendants reside, or at the time of the commencement of such action or proceeding are within the city of Auburn; except that in an action against two or more defendants jointly liable upon contract, service upon any of the defendants within said city shall confer jurisdiction upon said court, and if the plaintiff recover judgment, it shall be entered against all the defendants thus jointly indebted, so far only as that it may be enforced against the joint property of all, and the separate property of the defendants served, and if they are subject to arrest, against the persons of the defendants served; and in an action in which the plaintiff is entitled to a warrant of attachment as provided by law, the same may be issued by said court to reach the property of the defendant situated within the city of Auburn, and not exempt by law, notwithstanding the defendant may not be a resi-

dent of or within said city, so as to be personally served; and said court shall have jurisdiction in said proceedings, over the property so attached, to render judgment, issue execution and sell the same. Said court shall also have the same jurisdiction in summary proceedings to recover the possession of real property, as is possessed by the officers named in section twenty-two hundred and thirty-four of the code of civil procedure, where the property is situated within the city of Auburn; said jurisdiction on summary proceedings to recover the possession of real property is not to be exclusive as against the justice of the peace, but concurrent therewith. Said actions or proceedings may be commenced by any resident of said county, or by a non-resident thereof, and the process, pleadings, practice, judgments and all proceedings thereon shall be the same as in justices' courts of towns, except as is or hereafter may be otherwise provided by law. Said court shall have jurisdiction of any action or proceeding brought against any domestic transportation corporation and any person, association or corporation designated in sections twenty-eight hundred and seventy-nine, twenty-eight hundred and eighty and twenty-eight hundred and eighty-one, of the code of civil procedure. Such defendant may be served by delivering a copy of the summons, or the mandate, to one of the persons specified in said sections twenty-eight hundred and seventy-nine, twenty-eight hundred and eighty and twenty-eight hundred and eighty-one of the code of civil procedure, according to the provisions thereof, within the city of Auburn. Any such defendant so served is deemed for the purpose of this act a resident, and at the time of the commencement of such action or proceeding to be, within said city of Auburn. The hour named in any process for the return thereof, or for the appearance of the defendant, or to which any action or proceeding in said court shall be adjourned, shall be the time at which such action or proceeding shall be called.

§ 46. Process shall be made returnable before said court by its proper title and may be signed and issued by the city judge or recorder; a summons commencing an action in said court, in substantially the following form, exclusive of the title of the action and the signature (the blanks being properly filled), namely:

"To the above-named defendant:

"You are hereby summoned to appear before the city court

of the city of Auburn, at its rooms in the city hall in said city, on the day of at o'clock, in the noon, there to answer the complaint of the above-named plaintiff in a civil action.

"Dated Auburn, New York, day of ,
19 ."

may be issued by an attorney admitted to practice in the courts of the state of New York, with the same force and effect in all things as if issued and signed by the city judge. Such summons shall be subscribed by the plaintiff's attorney and made returnable at ten o'clock ante meridian or two o'clock post meridian, on one of the days of the week designated by the city judge by order, as a regular return day, and shall be filed with proof of service thereof, in the office of the city judge on or before the day on which it is made returnable. This provision in no manner affects the power of the city judge or recorder to issue the summons in the form and manner provided by this title but is in addition thereto. The city judge shall have the powers and be subject to the liabilities (including removal from office) of justices of the peace in towns; in case of his absence or inability to act, the recorder or justice of the peace upon the written request of said city judge or of the mayor (if the city judge shall not so request) shall hold said court, and shall possess all the powers of city judge in said city; the person so holding said court may hear, try and determine any case or proceeding over which said court shall have jurisdiction; but immediately upon the return of and the resumption of his duties by the city judge, the said city judge shall have jurisdiction to the exclusion of the said recorder and the justice of the peace over any undetermined action or proceeding in said court notwithstanding that either the recorder or the justice of the peace may have acted thereupon by reason of the absence or other disability of the city judge as aforesaid; except where testimony shall have been taken and heard by the recorder or the justice of the peace in any such action or proceeding, in which case said recorder or justice of the peace shall retain jurisdiction thereof and shall finally dispose of the same.

§ 47. In an action or proceeding brought in said city court, in which a bond or undertaking is required by law to be given by or on the part of either party, the same shall be in a sum or penalty of not less than fifty dollars, nor more than double the

amount claimed by the plaintiff, in the discretion of the city judge. The pleadings in said court shall be in writing, and shall be subscribed by the parties or their attorneys. The complaint may be verified in the manner provided by the code of civil procedure for the verifications of pleadings in courts of records, and when so verified the subsequent pleadings (excepting a demurrer) shall be likewise verified. Attorneys who sign pleadings must be such as are admitted to practice in the courts of this state; they shall in no case be required to prove their authority to appear for any party in said city court. In an action commenced in said city court by summons, the complaint may, at the option of the plaintiff or his attorney be served therewith; but in all cases, whether commenced by summons or otherwise, the same shall be filed in said court on or before the time fixed for the return of the process. The summons or summons and complaint may be served by any person of full age, not a party to the action, with the same force and effect in all things, as if served by a constable, and such person is entitled to the same fee for his service. When served by a constable, proof thereof may be made by certificate; when served by another person, proof thereof shall be by affidavit. A subpoena issued out of the city court shall be served by delivering to the witness a copy thereof and at the same time tendering to him his lawful fees for one day's attendance as a witness. A subpoena may be issued by the city judge or by the attorney, qualified to issue a summons under this act, of the party desiring to call the witness named in such subpoena; and when signed by such attorney the subpoena shall have the same force and effect as if signed and issued by the city judge.

§ 48. In an action arising on contract for the recovery of money only, where the complaint shall be verified and the defendant shall fail to appear, or having appeared, shall fail to answer and defend, the court upon motion of the plaintiff or his attorney, and upon filing the summons and complaint, with proof of the service thereof, or with proof of the service of the summons, as in the last preceding section provided, shall forthwith, without further proof, enter judgment for the amount demanded in the complaint with costs. In any action in said court, in which the defendant does not appear, or having appeared, does not answer and defend, and in which, exclusive of costs, the sum or value of the property recovered shall exceed fifteen dollars, the plaintiff shall recover besides disbursements, costs as follows: For all proceedings, in case the amount does not exceed fifty dollars, three

dollars; in case the amount be more than fifty dollars and does not exceed one hundred dollars, five dollars; in case the amount be more than one hundred dollars and does not exceed two hundred dollars, ten dollars. In case the amount be more than two hundred dollars, fifteen dollars. Where issue is joined and trial had, the plaintiff, shall recover for his costs, besides disbursements, the same sums, to be determined by the above provisions, as would be recovered where the defendant did not appear, or having appeared, did not answer and defend, as above provided; and in addition thereto, the plaintiff shall recover an additional sum equal to ten per centum of the sum or the value of the property recovered, exclusive of costs; which additional sum, however, shall in no case exceed fifteen dollars. And in every case where issue is joined and trial had, and the sum or value of the property, exclusive of costs and disbursements, recovered by the plaintiff shall be fifteen dollars or less, the plaintiff shall recover for his costs, besides disbursements, the sum of five dollars. In any action in which judgment shall be rendered against the plaintiff in favor of the defendant, or of nonsuit, after a trial had, the defendant shall recover from the plaintiff, to be included in the judgment, besides disbursements, five dollars costs; and the court, in its discretion, may allow an additional sum not exceeding fifteen dollars. In any action in which judgment shall be rendered against the plaintiff in favor of the defendant upon a counterclaim or set-off the defendant shall be entitled to recover from the plaintiff, for his costs, besides disbursements, to be included in the judgment, the same sum to which a plaintiff recovering judgment in an action, for an amount equal to that awarded defendant on such a counterclaim or set-off would be entitled, as hereinbefore prescribed, according to the amount recovered. For the purposes of this section, a trial shall be deemed to have been had in a case where such trial has been commenced and testimony has been taken. If the sum claimed or the value of the property sought to be recovered by the plaintiff exceeds fifty dollars and the defendant shall make an offer of judgment in the manner and at the time provided by law therefor in justices' courts, which offer shall be rejected, and if the plaintiff shall fail to obtain judgment for a greater amount exclusive of costs than has been specified in the offer, he shall not recover costs, but the defendant shall recover the sum of ten dollars costs, together with his disbursements accruing subsequent to the offer, which may be set off against any recovery had and judgment entered only for the remainder. All

disbursements allowed by law to be taxed in any action or proceeding in said court, including fees, for the use of the city, and constables' fees, whether incurred on the part of the plaintiff or defendant shall be included as disbursements in the judgment, but shall in no case exceed fifteen dollars.

§ 49. The city judge shall neither demand nor receive for the use of the city any fees whatever. Constables shall receive and be entitled to the same fees in actions or proceedings in said court as are now allowed by law, except as herein otherwise prescribed, namely: For serving a summons, or summons and complaint within said city, fifty cents; for serving a civil warrant within said city, and notifying the plaintiff, seventy-five cents; for serving a venire, one dollar and fifty cents; for serving a subpoena they shall, in addition to fees now allowed by law, be entitled to the same mileage as for the service of a summons. And in case service of summons and complaint is caused to be served by a party to the action, the fees allowed to constables may be collected by said party on execution.

§ 50. On the third Tuesday in May, nineteen hundred and seven, and in every third year thereafter, the mayor, city judge, recorder and justice of the peace, or any three of them shall meet at the office of the county clerk of Cayuga county and shall write the names of all persons on the jury list last made out, signed and filed by the officers of the town of Auburn in said clerk's office, with their additions, on separate pieces of paper and deposit the same in a box to be provided for that purpose, and shall draw therefrom six hundred of said pieces of paper; a list of the names of persons so drawn, with their additions, shall be made and certified by the officers drawing the same and shall be filed in the office of the city clerk. As soon as such list shall be filed as aforesaid, the city judge, recorder and justice of the peace shall cause the same to be published in the official paper or papers of said city, for three successive days, together with a notice that on a day and hour to be named therein, which shall not be less than ten days from the time of the first publication of said notice, they will attend at the city court room to correct the same and hear evidence of exemption. On such day they shall receive evidence of exemption in the same manner as authorized in courts of record and no juror who does not then furnish proof of a legal exemption shall thereafter be allowed to claim an exemption when he shall be

drawn and summoned for jury duty. This provision shall not apply to such persons as may become exempt after the final completion of such jury list. The names of the persons found exempt by law shall be struck from the list and the ground thereof noted thereon. When the list shall have been corrected and completed, it, together with a certificate of that fact, signed by the city judge, recorder and justice of the peace, and annexed thereto, shall be again filed in the office of the city clerk who shall forthwith make and certify three copies of said corrected list, with the certificate annexed, and deposit them, one with the city judge, one with the recorder and one with the justice of the peace. Immediately thereafter the city judge, recorder and justice of the peace shall each write upon separate pieces of paper, as nearly of a size as may be, the names of the persons appearing on said corrected list and place them in a box, or other receptacle provided for that purpose to be known as "jury box number one."

§ 51. Whenever a jury shall be demanded in any action or proceeding in which the party so demanding is entitled to the same, in either the city court of the city of Auburn, the recorder's court, or the court of the justice of the peace, the presiding officer of such court shall forthwith openly draw from jury box number one, the names of eighteen persons, not then drawn or impaneled as jurors in actions then pending, who shall be summoned by venire issued by the presiding officer of said court from whom a jury shall be drawn in the same manner as juries are required to be drawn in justices' courts of towns. Such presiding officer may order the constable or other officer in attendance to summon from the bystanders, or from the city at large, so many persons qualified to serve as jurors as shall be sufficient to form a jury whenever a sufficient number of jurors duly drawn and summoned do not appear or shall not be required to serve; the persons so drawn shall receive the same fees as jurors in justices' courts to be paid by the party who shall call for a jury; whenever a jury is drawn in an action or proceeding in either court, the names of such jurors with the time of trial of such action or proceeding, shall be certified to each of the other courts, by the officer by whom they are drawn. Each of said courts may excuse any person so summoned from serving therein as a juror, when it shall appear that he is summoned in any other court for the same day. After the adjournment of the court at which a jury trial has been had the presiding officer of said court, must deposit the ballots

containing the names of those who attended and served in another box, provided and kept for that purpose, to be known as "jury box number two." The ballots containing the names of those who did not appear or serve must be returned to jury box number one. If at any time there is not a sufficient number of ballots remaining in jury box number one, the presiding officer, upon drawing all the ballots therein, must draw the necessary number from jury box number two, and thereafter continue to draw from that box until the ballots therein are exhausted, (returning the names of jurors who serve to jury box number one,) and must continue to so draw from said boxes alternately until a new list of jurors is deposited in his office as provided for in section fifty of this act. The provisions of the code of civil procedure relating to selecting, drawing and procuring the attendance of jurors in justices' courts and the provisions of the code of criminal procedure relating to the selection, drawing and procuring the attendance of jurors in courts of special sessions and police courts, so far as they conflict with the provisions of this act, shall not apply to the city court of the city of Auburn, the recorder's court or the court held by the justice of the peace.

§ 52. The city judge shall have power from time to time to make, modify and revoke rules of practice for said city court, not in conflict with the provisions of law at the time existing; and such rules, modifications and revocations shall take effect when a copy thereof together with an appropriate order shall be signed by the city judge and entered and filed by him in said court. The city judge shall have power at any time after the commencement of an action, proceeding or hearing, in his discretion, for cause shown, to grant one or more adjournments therein for any purpose for such time and upon such terms as he may deem just; unless the defendant has been arrested, in which case no adjournments shall be had except upon the consent or the request of the defendant. But nothing herein contained shall be construed to deprive a party of the right to any adjournment to which he may be entitled by the provisions of the code of civil procedure relating to justices' courts. The city judge may take informations, issue subpoenas, examine witnesses upon oath, take depositions, and sign and issue criminal warrants; and the city judge may hear complaints and issue warrants for violation of the city ordinances and all other crimes in the same manner as the recorder, but the same shall be entitled in and made returnable

before the recorder's court. The recorder, city judge and justice of the peace shall have power to punish for contempt, the same as justices of the peace in towns, and either of them may command the services of any constable of said city to enforce authority and maintain peace while holding court. The city judge, while the city court is in session, shall also have the same powers to preserve order and punish for contempt as are possessed by courts and judges of courts of record. Sections eight, nine and ten of the code of civil procedure are hereby made applicable to said court. Provided, however, that an appeal may be taken from an order adjudging a person in contempt to the county court of Cayuga county in the same manner as an appeal from a judgment. Pending the determination of such appeal, the person so adjudged in contempt, if he has been committed, may be admitted to bail by the city judge or by the county judge of Cayuga county in such an amount and by an undertaking in such form and terms and with such surety or sureties as shall be approved by the judge to whom application for admission to bail is made. The city judge and recorder are hereby authorized and empowered to appoint, and at pleasure remove, a stenographer, who shall act as clerk of the city court and of the recorder's court; such appointment or removal to take effect upon the making and filing in the office of the city clerk by the city judge and recorder of a certificate thereof designating the person so appointed or removed. Said stenographer shall perform such clerical and ministerial duties as the city judge and recorder shall prescribe, and such other work as may be required by any of the municipal boards, commissions or departments. He shall receive a salary to be fixed, increased, and diminished as prescribed in this act. The justice of the peace shall have jurisdiction in civil actions and proceedings cognizable by law in justices' courts of towns, whether commenced by warrant, attachment, summons or otherwise, or whether on contract or otherwise, except that within the city of Auburn the city court shall have exclusive jurisdiction as against said justice of the peace, as provided in section forty-five of this act; but in a case where a summons shall have been issued by said justice of the peace against a resident of Cayuga county outside the city of Auburn, such summons may nevertheless be served upon such defendant within said city of Auburn, and the process, pleading, practice, costs, judgments, and all proceedings thereon shall be the same as in justices'

courts in towns. He shall, when thereunto required, perform the duties of either the city judge or recorder; and shall then have the powers and discharge the duties of those officers respectively, and shall be paid for his services (except as by this act otherwise provided), by the officer whose place shall have been so filled by him. When the city judge is disqualified from acting in, or when he is unable to dispose of any cause or causes pending in said city court, he may direct the justice of the peace to hold a city court, and to try any of such pending case or cases therein as he may designate, which direction shall be in writing, and shall also certify and deliver the pleadings and proceedings therein to said justice and thereupon the said justice shall proceed to try and determine, said designated actions, and while so engaged shall have the same power and jurisdiction therein as the city judge, and in such cases the same costs shall be recovered as are provided by law to be recovered in said city court, except that no fees for the use of the city shall be taxed. The justice of the peace when so acting shall be entitled to demand and receive for his own use the fees prescribed by law for justices of the peace, to be paid by the parties to the actions he shall so try.

§ 53. Except as hereinafter otherwise provided, the city court shall have the power to open defaults and set aside judgments rendered and entered therein, and executions issued thereon, upon such terms as may be just, in a case where the defendant shall fail to appear on the return day of process, or on any adjourned day, where it is shown that manifest injustice has been done, and the defendant satisfactorily excuses his default; but no greater terms shall be imposed than the payment of the costs included in the judgment and the sum of three dollars for opposing the motion. The application therefor shall be founded upon affidavits and shall be made within twenty days from the entry of such judgment. Upon presentation of such application the city judge shall issue an order returnable in not less than five nor more than eight days requiring plaintiff to show cause, if any, why said judgment should not be set aside. A copy of said order, and of the papers upon which the same is granted, shall be served upon the plaintiff, or his attorney, if one shall have appeared in the action, not less than three days prior to the return day thereof. Pending such application and the determination thereof, the city judge may stay proceedings under any execution which shall have been issued. When a judgment shall be set aside the action shall

proceed as though no judgment had been rendered. In such a case, where an execution has been issued by the city judge, and a levy made thereunder, the same may in the discretion of the city judge be allowed to stand as a security for the satisfaction of any judgment the plaintiff may finally recover. Where a transcript of a judgment of said city court shall have been filed in a case provided for in this section, the county court of Cayuga county shall have power and authority to open the default and set aside such judgment and all proceedings thereon, and to order a new trial in said city court upon such terms as may be just. The practice in said county court upon such application shall be the same as is herein provided for like proceedings in said city court, except that the defendant must show that prior to the filing of such transcript no application was made to the city court for like relief. The county court may stay proceedings under any execution issued upon said judgment pending such application. The judgment and any execution and levy thereunder may be allowed to stand as a security for the satisfaction of any judgment the plaintiff may finally recover in case a new trial shall be ordered in said city court. The county court shall at all times be open for the presentation, hearing and determination, of any case arising under this section. The provisions of this section are in addition to the right of appeal as now provided by law.

§ 54. Judgment shall be rendered in said city court in the following cases forthwith:

1. Where the plaintiff is nonsuited.
2. If he discontinues or withdraws his action.
3. Where judgment is confessed.
4. Where a verdict is rendered by a jury in favor of either party.
5. Where the defendant is in custody at the time of the final submission of the cause.
6. Where a judgment is rendered upon an offer made by the defendant and duly accepted.
7. In all other cases the city judge shall render judgment within ten days after the cause is finally submitted; but the parties or their attorneys may, by written stipulation, extend such time.

§ 55. The common council shall provide in the city hall a suitable place for holding said recorder's court and said city court, and shall furnish heat and light for the same, and provide necessary blank books, blanks and stationery therefor. Said city court

shall be opened for business each day (except Sundays and legal holidays) at nine o'clock in the forenoon, and both the city judge and the recorder shall have their offices in the city hall and not elsewhere.

§ 56. In civil actions, appeals from any judgment rendered in the city court or recorder's court, or by the justice of the peace, may be taken to the county court of the county of Cayuga, within the time and in the same manner provided by law for appeals from judgments rendered by justices of the peace in towns, and all provisions of law relating to appeals from such judgments shall apply thereto.

§ 57. Any conviction by the recorder's court may be reviewed by certiorari, in the same manner as convictions before courts of special sessions of the peace in towns; and proceedings thereon may be stayed by the county judge of Cayuga county pending such review.

§ 58. The city judge shall not be required to make or keep any record of such actions or proceedings in said court as may be settled before judgment, withdrawn or discontinued. All dockets and other books kept by the recorder, city judge or justice of the peace, shall at all times be subject to examination by the city attorney, common council and the county judge of Cayuga county, and shall be produced when directed, and for a disobedience to produce the same, the county judge may punish either of said officers in the same manner as disobedience to orders made by said judge are punished.

§ 59. It shall be the duty of the recorder, on the first Monday in May in each year to deliver to the mayor an account, under oath, of all money, goods or merchandise, remaining unclaimed in his office or the police office, and immediately thereafter give notice by publication, three times in the daily newspapers in said city, to all persons interested in or claiming such property, that unless claimed by the owner, with satisfactory proof of such ownership, before a specified day, not less than one week, the same will be sold at auction to the highest bidder, on a day and place specified in such notice. All property, except money, remaining unclaimed, shall be sold under the direction of the recorder, at the time named in such notice, except perishable property or property which shall be expensive to keep which may be sold at any time at public auction after such notice as to the said recorder shall seem proper. After deducting the expenses of advertising the sale, the recorder shall immediately pay to the city

treasurer the proceeds thereof, together with all such money remaining unclaimed in his hands.

§ 60. Upon satisfactory proof of ownership, the recorder shall deliver to the owner any property, of which he shall obtain possession, on receiving the necessary expenses of preserving the same, unless the district attorney shall direct that stolen property be held, in which case all stolen property in the hands of the recorder shall remain unsold and undelivered, for the purpose of being used as evidence.

TITLE VII.

CHARITIES AND POLICE.

Section 61. There shall be a police department and a charities department. The mayor shall appoint as head of the police department a commissioner of police and as head of the charities department a commissioner of charities. These commissioners shall hold office at the pleasure of the mayor. They shall make, subject to the approval of the mayor, rules and regulations for the management of their respective departments.

§ 62. The commissioner of police shall employ as many men to serve as policemen for said city, as shall be recommended by the board of estimate and control, and approved by the common council, and as many drivers of patrol wagons as shall be so recommended and approved; and so many special policemen without pay (except at general or special elections) as he shall at any time deem necessary, who during the time they shall be so employed shall possess the powers, perform the duties and be subject to the liabilities of constables of towns. Any of said policemen may arrest without process any person offending against the laws of this state, the provisions of this act, or the ordinances of the city within his view, and may enter any house, store, building or other place where any person has in said policeman's hearing or presence committed any breach of the peace or violated any ordinance of said city, or where any riot, disorderly conduct, unlawful assemblage, noise, outcry, alarm or other disturbance shall be made, and bring the person so offending before the recorder or other magistrate having jurisdiction and enter the proper complaint for trial. Any person who shall resist or interfere with a policeman in the lawful discharge of his duties shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment

in the common jail of Cayuga county not exceeding six months or by both such fine and imprisonment. If at the time of such conviction the county of Cayuga has a contract with any penal institution for the keeping of prisoners, the recorder may sentence the person so convicted (when an imprisonment is for sixty days or more) to imprisonment in such penal institution instead of said common jail. The salary duly fixed by the board of estimate and control and approved by the common council to be paid to the policemen appointed under this act shall be in lieu of all fees or charges; and no policeman so appointed shall receive any other compensation or reward in any case, except with the consent of said commissioner.

§ 63. The commissioner of police shall appoint from the number so employed a chief of police, a captain of police, and roundsmen or special officers, and may appoint such other clerks and assistants as may be necessary; each policeman shall hold his office during good behavior unless he resigns, is incapacitated or dismissed. Any policeman may be publicly reprimanded or suspended with or without forfeiture of pay, for a period not exceeding twenty days, by the chief of police, or may be deprived of any official position he holds in the department and reduced to the ranks, or dismissed by the commissioner of police, for the commission of any criminal offense, neglect of duty, violation of the rules and regulations of the police department, disobedience of orders, absence without leave, corrupt or improper conduct or conduct unbecoming an officer, breach of discipline or incapacity. No member of the police force shall be dismissed by the commissioner of police until after an opportunity is given him to be heard, upon a notice of six days accompanied by a copy of the charges preferred.

§ 64. The common council shall have power to establish a fund to be known as the police relief and pension fund. The board of estimate and control shall, subject to the approval of the common council, provide for the same. Such fund shall be maintained, managed and controlled by the comptroller of the city who shall be the trustee of the fund for the purposes for which it was created. The commissioner of police shall, subject to the approval of the board of estimate and control, establish rules and regulations for the distribution and payment of relief and pensions to sick, disabled or retired members of the police force.

§ 65. The common council shall provide suitable rooms, lockup and other necessary accommodations for the use of the police department.

§ 66. The said commissioner of police shall have recorded in a book all proceedings relating to the appointment, hearing of complaints, suspensions and dismissal of members of the police force and other matters relating to the police department, and shall require the chief of police to keep a record of the names of all persons arrested, by whom arrested, the cause and date of arrest, and the disposition made of the same, with such other matters as the said commissioner may from time to time require.

§ 67. The said commissioner of police shall not employ any person as a policeman who is not a citizen of the United States, or who has been convicted of a crime, or who cannot understandingly read and write in the English language. A proper warrant of appointment signed by the said commissioner of police, containing the name of the policeman appointed, and his rank, shall be issued to each member of the police force.

§ 68. The commissioner of charities shall possess the powers and execute the duties of overseer of poor in towns, and may appoint a superintendent of charities and such assistants as the board of estimate and control shall prescribe and the common council approve, to aid in the discharge of his duties. The superintendent of charities shall investigate the character, habits, location of residence, condition and necessities of all applicants for assistance and relief, the result of which shall be recorded in a book to be kept for that purpose. He shall hold office during good behavior and shall not be removed by the commissioner of charities until after an opportunity is given him to be heard upon a notice of six days accompanied by a copy of the charges preferred.

§ 69. The commissioner of charities shall adopt uniform rules and regulations by and under which assistance or relief shall be administered and shall prescribe the manner in which orders therefor shall be issued and signed. He shall have the power, when practicable, to furnish temporary employment to indigent persons applying for relief, who are chargeable to the city of Auburn, agree with such person on the compensation to be paid therefor, and pay the same in money. The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed; if any person to whom the same shall be furnished, shall sell or exchange the same for money or intoxicating liquor, or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 70. All commitments to the county poorhouse, or to the state lunatic asylum, and all proceedings in relation to father or mother deserting or absconding from their children, or husband from his wife, leaving any of them chargeable or likely to become chargeable upon the public for support, in the cases provided by law, shall be instituted, made and issued in the name of the commissioner of charities of the city of Auburn. All proceedings in bastardy cases shall be instituted by and in the name of said commissioner of charities before either the city judge or recorder, who shall have and possess all the powers and jurisdiction of a justice of the peace in such cases. Upon the return of the process, the officer issuing the same shall immediately call to his aid the other of said officials, or in case of his absence or inability to act, then the justice of the peace, whereupon they shall proceed to dispose of the case in the manner provided by law.

§ 71. On and after the date this act takes effect all charges, claims and demands heretofore by any statute of this state or otherwise made charges against the town of Auburn, shall be city charges and be presented, audited and paid in accordance with the provisions of this act for claims against the city of Auburn; and the town board of the town of Auburn shall not meet for the purpose of auditing accounts or allowing or rejecting charges, claims and demands.

§ 72. On or before the first day of September in each year, the commissioner of charities shall submit to the common council, an annual report of the affairs of his department.

§ 73. The city treasurer as railroad commissioner shall annually report to the common council the matters required in section seventeen of the general municipal law.

TITLE VIII.

ASSESSMENT AND COLLECTION OF TAXES.

Section 74. The assessors shall complete the assessment rolls of said city on or before the twentieth day of May of each year, and shall cause a notice to be published continuously for the next seven days in all the daily newspapers published in said city, in substance that the assessment rolls are completed and left in the assessors' office where the same may be seen and examined, and that the assessors will meet at their said office, on the day following the first publication of said notice, from nine

o'clock in the morning until four o'clock in the afternoon, and on each of the five following days, between the hours aforesaid and on the evenings of said days, between the hours of seven and nine o'clock to review their assessment. They shall make two copies of each of said assessment rolls, as corrected and revised, one of which they shall deliver to the city clerk on or before the tenth day of June in each year, and the other of which (one copy of the roll of each ward), they shall deliver, on or before the first day of October of each year, to the city clerk, who shall ascertain and set down in each copy the total assessed valuation of the real and personal property and special franchises, and when said total valuations have been completed by the city clerk and approved by the comptroller, the said assessment rolls shall be delivered, by the city clerk to the chairman or clerk of the board of supervisors on or before the twentieth day of November of each year. When reviewing or correcting any tax or assessment, the assessors may add to or insert in the same, any property liable to taxation or assessment, which may have been omitted therefrom, upon giving written notice to the owner, agent or occupant of such property, either by personal service or by mailing a copy of the same to said owner, agent or occupant, according to the best information the assessors can obtain. Said assessment rolls to be delivered to the city clerk, shall have columns so ruled that the relative proportions of the installments (as fixed by the board of estimate and control) payable on the first day of July and the first day of January respectively, may be placed in separate columns; and columns also ruled for adding local improvement assessments or taxes to the July installment.

§ 75. The board of education shall annually file with the board of estimate and control, not later than the fifteenth day of May, its certificate and report of the amount of money to be included in the tax budget for the expenses of the public schools under the charge of said board for the ensuing year. The water board of the city of Auburn shall annually establish and file with the board of estimate and control, not later than the fifteenth day of May, an amount to be paid by the city, not exceeding fifteen thousand dollars, for a supply of water for the fire department, for fire protection, water used by the city in flushing and sprinkling streets, flushing sewers, for watering troughs and in its public buildings other than school buildings. In addition to which amount the

board of estimate and control may in each year add to the tax budget a sum (subject to the approval of the common council), not exceeding three thousand dollars for contingent expenses of the city.

§ 76. On or before its first regular meeting in May in each year, the common council may designate one or more streets to be paved. When the common council, upon the estimate of the board of estimate and control, shall determine to pave one or more streets, pursuant to the provisions of this section, it shall cause a notice to be published for six days in all the daily newspapers published in said city, particularly specifying the street or streets or parts thereof intended to be paved and requiring all persons, corporations and companies, and city departments, including the water board of the city of Auburn, within the time limited in said notice, which shall not be less than thirty days, to do such excavating in, lay such new mains and pipes, and make such repairs of and connections with existing gas and water mains, sewers, pipes, and connections therewith as may be necessary or liable to be required within a period of two years next thereafter, in and through the street or streets or parts thereof to be paved, and the paving thereof shall not be commenced until the expiration of the time stated in such notice. Copies of such notice shall be served by mail within five days from the date of the first publication of said notice, upon all corporations, companies and municipal departments owning or having charge of pipes or mains laid in said street or streets or parts thereof to be paved. After such paving is completed, the common council shall not, nor shall the water board of the city of Auburn, or any other city department, person, corporation or company be authorized, permitted or allowed for a period of two years, to excavate for any purpose whatever in the street or streets or part or parts thereof so paved, except that if existing mains, sewers, pipes or connections therein shall leak, become broken or in such condition from any cause as to require immediate repair, that could not have been made prior to such paving being done, such repairs may be permitted by the mayor or common council upon written application therefor, at such times and under such conditions and restrictions as the common council may provide by ordinance or otherwise.

§ 77. All sums adopted by the common council in the tax budget and as provided in section ninety-three of this act, shall be assessed on all real and personal estate in the city (except city

property and property exempt by law), according to the valuation of the same in the assessment rolls for said year, and shall be regarded and known in all proceedings as "tax," and become due on the first day of July in each year; such tax shall be payable in two installments; the first installment shall be payable on the first day of July in each year and the second installment shall be payable on the first day of January following. The relative proportions of the installment to become payable on the first day of July and the first day of January respectively, shall be fixed by the board of estimate and control and reported to the common council on or before the first regular meeting in June in each year, but the July installment shall not be less than sixty per centum of the whole of said tax and the January installment not more than forty per centum of the whole of said tax. The city treasurer shall each year receive and collect the relative proportions of the installment payable on the first day of July and the first day of January respectively. All amounts payable upon the first day of July shall become delinquent on the first day of August and all amounts payable upon the first day of January shall become delinquent on the first day of February; and after said respective dates, one per centum per month shall be added thereto and collected thereon by the city treasurer, which percentage or interest, shall belong to the city.

§ 78. The city clerk, under the direction of the common council shall extend and apportion the said taxes on said assessment rolls, and when extended and apportioned, and approved by the mayor and comptroller as correct, a warrant shall be annexed thereto signed by the mayor and city clerk, in substance commanding the city treasurer to receive, levy and collect, according to the provisions of this act, the several sums in said assessment rolls specified, as assessed and taxed against the persons or property therein described and the city clerk shall deliver the same to the city treasurer on or before the thirtieth day of June; and thereafter the respective amounts assessed and taxed therein shall be a lien upon the lands upon which the same is assessed and taxed.

§ 79. The common council may at any time within six months after the completion of any assessment roll correct any error made in copying the same or levying or extending the tax thereon, but ten days previous notice in writing, shall be given by the clerk, to the party or parties affected thereby, the common council may order and cause to be stricken from any assessment roll any

property which is illegally assessed and wrongfully thereon, or the assessment of which is for any reason illegal or invalid and may cancel and annul any tax extended and apportioned on such illegal or invalid assessment. If such tax or assessment has been paid or enforced by a sale of the lands on which it was levied, or otherwise, the common council may cause the same to be returned to the person so paying or against whose property it has been enforced. In case any tax or assessment shall be void or have failed for want of jurisdiction or from any omission, error or irregularity in the levying or assessment thereof or in the sale or proceedings taken for the sale of the real estate upon which it was assessed, the common council shall have power and it shall be its duty to cause the reassessment of the amount of said tax or assessment, or money so returned, upon the same real estate or a resale thereof, which shall for all the purposes of this act, be deemed and taken to be an original assessment or sale as of the date thereof, and the same proceedings shall be had and taken thereafter by the assessors, common council, city officers and constables that are provided in and required by the provisions of this act to be done and taken by them respectively on, during and after an original assessment or sale.

§ 80. Upon receiving said assessment or tax rolls the city treasurer shall cause a notice to be published daily during the month of July, in the daily newspapers published in said city, stating that he has received the same, and that during the month of July he will receive the July installment of taxes at his office without percentage, and that thereafter one per centum per month will be added and collected; he shall also cause a notice to be published daily during the month of January in the daily newspapers published in said city, stating that during the month of January he will receive the January installment of taxes at his office, without percentage, and that thereafter one per centum per month will be added and collected.

§ 81. The common council may extend the time for the collection of any tax or assessment which has become a tax, for one month by directing the mayor and city clerk to make an endorsement upon the warrant specifying the time that the same is extended and when to be returned, and such extension shall be considered merely a continuance of the time of such warrant.

§ 82. On or before the fifteenth day of March, the city treasurer shall give notice, in writing, to every person whose tax or

assessment is unpaid. The notices shall bear even date and shall, in substance, require such person to pay said tax or assessment with one per centum, in addition to the percentage already incurred, before the first day of April. Said notice may be served by placing the same in an envelope securely sealed and duly depositing the same in the postoffice in said city, properly directed to such person and the postage prepaid thereon; such service shall be equivalent to personal demand of the payment of such tax or assessment of the person so notified. A failure to serve such notice shall not affect the validity of such assessment of* any proceedings taken to enforce the collection thereof.

§ 83. At the expiration of said month of March the city treasurer shall issue his warrant, under his hand and the seal of said city, to any constable or constables of said city, commanding him or them to levy the tax or assessment, and five per centum thereon for his fees, by distress and sale of the goods and chattels of the person upon whose real or personal property the tax or assessment is levied, or of any goods or chattels in his or her possession, wherever the same may be found, in said city, and pay the same over to the city treasurer within thirty days from the date of such warrant. The constable or constables to whom such warrant or warrants shall be issued, shall give at least five days' public notice previous to the sale, by advertisement to be posted up in at least three public places in said city, and no claim of property made to such goods and chattels so found in the possession of such party, shall be available to prevent a sale. If the property shall be sold for more than the amount of the tax or assessment and percentage, the surplus shall be disposed of as provided by law. If said constable or constables shall be unable to collect said taxes or assessments, he or they shall at the expiration of said thirty days, make return by affidavit, to the city treasurer, of the person or persons whose taxes or assessments he or they have not been able to collect. Whenever any tax levied or assessed upon any person, copartnership, corporation or property, with the fees, interest, additions and expenses which have by law been added thereto, shall remain unpaid for three months after the warrant for its collection has been placed in the hands of the city treasurer, he may maintain an action in his name of office, for the amount of such taxes, fees, additions and expenses remaining unpaid and uncollected, against any per-

* So in original.

son, copartnership or corporation liable for such tax, or the representatives of such corporation, copartnership or person, in any court of competent jurisdiction in which the proceedings, costs, judgments, supplementary proceedings thereon, (which supplementary proceedings are hereby authorized and given, irrespective of the amount of the judgment recovered) and executions shall be the same, and with like effect as in actions between public officers and individuals, and in civil actions generally under the code of civil procedure; the amount collected by any such action or proceeding shall be used and applied by said city treasurer in the same manner as though the same had been collected by the sale of real estate under the provisions of this act, relating to the collection of unpaid taxes, and the same costs and disbursements may be allowed against the person examined as in such supplementary proceedings, but none shall be allowed against the city. The warrant delivered to the city treasurer shall be presumptive evidence that all the previous proceedings, including the assessing and levying of the tax, were regular and according to law. A judgment in such action in favor of the city, shall not release or in any manner affect the lien of any tax or assessment until satisfied and nothing in this section contained shall be construed or held to repeal or abridge any other remedy or power given for the collection of taxes in the city of Auburn.

§ 84. The city treasurer shall, immediately after the tenth day of May in each year, cause to be published twice in each week in two daily newspapers published in said city, for six weeks, a proper description of the lands on which taxes are levied and unpaid, with the names of the owners or occupants, if known, the amounts and nature of the taxes with a notice in substance, that if the same are not paid to him, with ten per centum on the July installment and five per centum on the January installment, and the expenses of publication added thereto, on or before the fourth Tuesday of June next thereafter, that he will sell the land on which or in respect to which they are imposed, or cause the same to be sold at public auction, to the highest bidder, at twelve o'clock (noon) on that day from the steps of the city hall in the city of Auburn, to pay the taxes, fees, interest and expenses thereon, which may remain unpaid at the time of such sale. Should any errors be discovered in the description of the lands so assessed and taxed, the city treasurer may correct the same at any time previous to the sale. In the event that the same land shall be twice assessed and taxed, and the taxes thereon

once paid, the city treasurer shall return one of such amounts to the common council, which shall provide for the deficiency arising therefrom. On the day and at the hour named in said notice, the city treasurer shall commence the sale of said real estate and shall continue such sale from day to day until the whole thereof shall be sold. If from sickness, absence from the city or other cause, the city treasurer is unable to conduct and make said sale he, or in his absence the mayor, may by an instrument in writing, filed in the office of the city clerk, designate the city clerk, city judge or comptroller to conduct such sale, sell said property and execute the necessary certificates and papers in connection therewith; the officer so designated shall possess the same powers, in all matters pertaining to said sale, and executing said certificates and other papers as is possessed by the city treasurer; such sale so conducted and made, certificates and other papers so executed, shall have the same validity, force and effect in all things, that they would have had if made and executed by the city treasurer personally. The purchasers on such sale shall pay the amounts of their respective bids immediately after each parcel shall be declared sold to them. In case a purchaser shall fail to pay the amount of his bid as herein required, the city treasurer shall forthwith offer the parcel for sale again and proceed as though it had not been declared sold. If the real estate or any parcel thereof, shall sell for more than the amount of the tax, interest, additions and expenses aforesaid, the surplus shall be paid by the city treasurer into the county court of Cayuga county, by delivering the same to the clerk thereof, accompanied by a statement of the facts connected therewith, and such court shall ascertain and determine, upon application made to it for that purpose, by any person interested, who is entitled to such money, and if it shall appear that such proceedings are valid and regular, shall order and decree its distribution and payment to the person or persons entitled thereto.

§ 85. The city treasurer shall execute to such bidder, a certificate of sale in which the lands purchased shall be described and the sum paid therefor and the nature of the tax shall be specified. Every such certificate shall be presumptive evidence that the sale and all proceedings prior thereto, from and including the assessment of the lands, were regular and according to the provisions of this act and all laws in any manner relating thereto.

§ 86. If for any of said lands no bid shall be made, or if the highest amount bid shall be less than the tax, interest, additions

and expenses thereon, the city treasurer shall declare the same sold to the city of Auburn, and in a book kept for that purpose shall enter said declaration with the description of said land, and the amount of the tax, interest, additions and expenses thereon, and he may subsequently transfer the certificate of the same to any persons who will pay the amount chargeable thereon. If the taxes on such lands thereafter and before the city is entitled to the certificate herein after provided for, are not paid, the city treasurer shall certify that fact to the common council who shall order the same paid from the contingent account. If such land is not redeemed as hereinafter provided, said corporation or its assigns shall require an absolute title in fee and thereupon the mayor shall execute a certificate reciting said facts, which certificate may be acknowledged and recorded in the same manner as deeds of real estate, and said certificate or a copy thereof, duly authenticated shall be presumptive evidence in all courts and places, of the facts therein stated and of the regularity and correctness of said sale and of all proceedings prior thereto. All of the provisions of section ninety of this act shall apply to the city when lands are so declared sold to it, and the city treasurer shall give the notice and do and perform all the acts therein required to be done and performed by a "purchaser" before the city shall acquire the absolute title in fee to the real property so declared sold to it.

§ 87. The owner of, or any person interested in any real property sold for taxes as aforesaid, may redeem the same at any time within two years after the date of such sale, by paying to the city treasurer for the use of the city or purchaser upon such sale, his heirs or assigns, the sum for which said real property was sold and any subsequent taxes paid by the city or person purchasing at such sale, his heirs or assigns, with interest thereon at the rate of ten per centum per annum, on such amount, to be calculated from the date of such certificate and subsequent payment. If upon any such sale any parcel of land be sold for more than the amount then due for the tax, fees, interest and expenses, the certificate delivered to the purchaser shall draw interest at the rate aforesaid only upon the amount so due, and legal interest upon the excess over such amount.

§ 88. If the land so sold for taxes shall not be redeemed in two years after such sale, as provided in the preceding section, the common council, upon proof by affidavit being filed with it, that the purchaser has complied with the provisions of section

ninety of this act, shall direct the mayor, to execute and deliver to the purchaser, his legal representatives or assigns, a deed under the corporate seal of the city, which deed shall contain the date thereof, the fact of the assessment, a description of the lands, the advertisement and sale and that such lands have not been redeemed within the time required by law, and shall be presumptive evidence in all courts and places, that such assessment and tax were legally imposed and that due proceedings to authorize said sale were had. Such deeds shall vest in the grantee an absolute estate in fee.

§ 89. The city upon the execution of the certificate, and the grantee, or his assigns upon the delivery of the deed, shall be entitled to the immediate possession of said lands and may obtain the same if necessary, by summary proceedings in the same manner as provided by law in cases of tenants holding over after the expiration of their terms without the consent of their landlords.

§ 90. Notice shall be given by the purchaser of any real property sold for taxes under the provisions of this act, to the owner in fee, occupant, guardian of any infants having an interest therein, mortgagee, judgment creditor whose judgment is a lien thereon, purchaser upon any prior tax sale of the same property, or the heirs and assigns of any or either of them, at least three months before the expiration of the time for redemption fixed by this act, and the time for such redemption shall not be deemed to have expired until three months after such notice shall have been given. Such notice shall be written or partly written and partly printed and shall state briefly the lot or parcel of land to be redeemed, the amount of the tax, additions, interest and expenses required to be paid upon such redemption, and that the money therefor is to be paid to the city treasurer for the use of the person giving such notice. Such notice shall be served personally or left with some person of suitable age and discretion at the residence or place of business of any and all persons entitled thereto if they or either of them reside in the city of Auburn or have a place of business therein; in case they or either of them do not reside or have a place of business in said city, such notice shall be deposited enclosed in a sealed envelope, postage paid, in the postoffice addressed to them at the postoffice at or nearest their known place of residence; if the residence or address of any such person or persons be not known, such notice shall be published at least once a week for three months prior to the day therein named as the last day for redemption, in the newspapers

in which the notice of sale was originally published. The expense of mailing and publishing such notices and of all necessary official searches to ascertain the persons entitled to such notice, shall be certified to the city treasurer by the person incurring or paying the same, and if received by said city treasurer before such land is redeemed, the amount thereof shall be added to and become a part of the amount required and necessary to be paid for the redemption of said real property. Such notices shall not be served, nor shall the publication thereof when required, be commenced within eighteen months after the date of the certificate. If any person having a lien by mortgage or judgment upon the lands so sold for taxes, or purchaser at any prior tax sale of the same property, shall redeem from such sale he shall have a further lien on the premises for the amount paid, with the interest which may thereafter accrue, at six per centum per annum, in like manner as if the same had been included in his mortgage, judgment or certificate of sale, and the sale shall have no further effect. The words "he" and "his" as used in this and the last three preceding sections comprehend, include and refer to all purchasers upon tax sale and persons redeeming therefrom whether male or female and whether a natural person or corporation. The word "person" includes a corporation as well as a natural person.

§ 91. The provisions of the revised charter of the city of Auburn in force at the time of tax sales held previous to the date this act takes effect, shall apply to and govern purchases made at said sales, and the issuance of tax certificates and deeds thereunder.

§ 92. The board of supervisors of the county of Cayuga, shall in each year equalize the assessment rolls delivered to its chairman or clerk by the city clerk, with those of other towns of the county, as required by law, and shall by resolution, ascertain and direct the amount of tax to be levied in the city for the state, county and any other lawful purposes, and shall not cause the said state and county tax apportioned to said city to be spread upon any tax roll of property within the city, but shall on or before the first day of January in each year, certify such resolution under seal of the county to the comptroller of the city; and of the amount so certified, one-half shall be paid on or before the first day of February, and the balance on or before the first day of March next succeeding such certification, by warrant of the comptroller of the city drawn upon the city treasurer and payable to the order of the county treasurer, who shall disburse the same in liquidation of the amount so certified.

§ 93. On or before the first day of June in each year the board of estimate and control shall make an estimate of the probable amount necessary to defray the amount of tax to be levied in the city, for the state, county and any other lawful purposes; and shall also include in said estimate, the amount necessary to pay any outstanding Southern Central railroad bonds, and interest thereon, due and payable in the succeeding fiscal year; and shall submit the same, in writing, with such reasons for it in detail as it may have to give, to the common council which shall at its next regular meeting consider such estimate. The common council, after due publication of the time and place of hearing, shall hear any taxpayer who wishes to be heard in reference thereto, and after such hearing it may adopt such estimate as is submitted to it, or diminish or reject any item therein contained, except such as relates to any bonded indebtedness and interest thereon, and adopt by the concurring vote of seven aldermen, the estimate as thus amended; but it shall not increase any item in such estimate for any department, office or purpose; when it shall have adopted the estimate as herein provided, the same shall be entered at large in its minutes and published in its proceedings; and the several sums in the final estimate so adopted shall become appropriated and such estimate shall be added to and become a part of the city's tax budget, and the several amounts therein named shall be levied, assessed and raised by tax upon the real and personal property liable to taxation in the city at such time and in such manner as is provided in and by the provisions of this act relating to the levying and collection of taxes. If, when the certificate of amount of tax to be levied in the city for the state, county and any other lawful purpose, is received from the board of supervisors, it is ascertained that a sufficient sum has not been included in the annual tax budget to defray the same, the board of estimate and control, shall recommend to the common council that a bond for such an amount as will pay the deficiency, be issued, and the common council on receipt of such recommendation shall direct the mayor and city clerk to issue a bond of the city for said amount, at a rate of interest not exceeding five per centum per annum, said bond and interest thereon to become due and payable at the office of the city treasurer on the first day of August next succeeding the date of issuance of said bond. The amount of said bond and interest payable thereon shall be included in the annual tax budget next succeeding the date of

issue of the said bond. If after said certificate is received, it is ascertained that more than a sufficient amount has been included in the annual tax budget to pay the sum called for, the board of estimate and control shall deduct the surplus from its next estimate of the probable amount needed to defray the tax for state, county and any other lawful purposes specified in section ninety-two of this act.

§ 94. If lands which shall have been used by the public as a street for twenty years or more shall be a street with the same force and effect as if it had been duly laid out and recorded as such.

TITLE IX.

OF STREETS, HIGHWAYS, PUBLIC LANES, ALLEYS, SQUARES, BRIDGES, SIDEWALKS, CURBS, AND GUTTERS.

Section 95. The commissioner of public works may grade, re-grade, pave, repave, flag, reflag, macadamize or cover with hard material and improve and repair streets, highways, alleys, public lanes, and squares in said city. The expense of all street repairs shall be paid out of and from the money set apart by the board of estimate and control and the common council. In proceedings for paving or repaving a street or any part thereof (other than repairs) such paving or repaving shall include, when needed, the relaying of sidewalks to proper grade, making lawns between sidewalk and gutter to conform to said grade, the furnishing, grading for and setting or resetting of the curb and gutter, on both sides of the street. When a street or any part thereof is paved or repaved (excepting repairs) and completed, the common council shall determine the aggregate cost of the improvement including the relaying of sidewalks to proper grade, making lawns between sidewalk and gutter conform to said grade, furnishing, grading for, setting and resetting of curbs and gutters, and shall direct the payment thereof from the paving fund.

§ 96. The commissioner of public works, may, subject to the approval of the mayor, cause any of the improvements mentioned in the preceding section, to be done by the street superintendent, or by contract, in which latter case he shall cause a notice to be published for six days, in two daily newspapers published in said city, specifying briefly the improvement, and where the same is to be made, and that sealed proposals to contract therefor or for some part thereof to be specified, will be received by the mayor

up to the time named in said notice; each sealed proposal shall be accompanied by a certified check, payable to the order of the city of Auburn for such amount as the commissioner of public works shall designate, to become and be the property of the city if such proposal be accepted and the person, persons or corporation making it does not, within fifteen days after notification of its acceptance, enter into and execute a contract to do such work in conformity with the specifications and the proposal accepted, and execute and deliver concurrently therewith a bond in the penal sum of double the amount for which the person, persons or corporation proposes to do the work, with two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all of its particulars by the contractor. Instead of such certified check each sealed proposal may be accompanied in the first instance by a bond in the penal sum of double the amount for which the person, persons or corporation proposes to do the work, with two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all of its particulars. The mayor may reject any and all of the proposals if he deems it for the interest of the city so to do.

§ 97. The city of Auburn, may, by a majority of the members elected to its common council, accept any gifts of land heretofore made or which shall, hereafter be made, for park purposes, which such common council may consider for the interest of the city to take.

§ 98. When the commissioner of public works shall grade or regrade a street, highway, public land, alley or square, which is already provided with sidewalks, curbs and gutters, laid or set according to grades previously established by the city, and in so doing shall change the line of grade or curbstone or gutter, the grading and regrading for sidewalks, making lawns between sidewalk and gutter conform to proper grade, and the resetting of curbstone and gutter shall be done and the expense thereof defrayed in the same manner as other improvements upon streets, highways, public lanes, alleys and squares, except as otherwise provided in section ninety-five of this act.

§ 99. The owner or occupant of lands fronting or abutting on any street, highway, traveled road, public lane, alley or square, shall make, maintain and repair the sidewalk adjoining his lands

and shall keep such sidewalk and the gutter free and clear of and from snow, ice and all other obstructions. Such owner and occupant and each of them, shall be liable for any injury or damage by reason of omission, failure or negligence to make, maintain or repair such sidewalk or to remove snow, ice or other obstructions therefrom, or for a violation or nonobservance of the ordinances relating to making, maintaining and repairing sidewalks and the removal of snow, ice and other obstructions from sidewalks, curbstones and gutters. Whenever the commissioner of public works or a sidewalk inspector shall ascertain, have knowledge of, be notified or informed that a sidewalk or any part thereof is in a dangerous condition or in such condition that injury is liable to result from its use, from want of repair, failure to remove snow, ice or other obstruction therefrom or other cause, and such condition can, in his judgment, be remedied without laying a new walk, he shall properly guard the same, and as soon as practicable serve a written notice upon the owner or occupant of the abutting lot, if the same is occupied, requiring such owner or occupant to repair said walk or remove and remedy the dangerous or defective condition thereof, in the manner specified in said notice, within twenty-four hours after such notice. Such notice shall be served personally or left with some person of suitable age and discretion at the residence or place of business of such owner or occupant, within said city. If such abutting lot is vacant or if the buildings thereon are unoccupied, and the owner is a nonresident or absent from the city, or if occupied and the owner or occupant neglects or refuses to make the repairs or remedy or remove the dangerous or defective condition of said walk, as directed by said notice, and within the time limited therefor, the commissioner of public works or a sidewalk inspector shall immediately make such repairs or remedy and remove such dangerous or defective conditions, and shall serve an itemized statement of the expense thereof upon the owner or occupant in the same manner as provided for the service of the notice to repair. If such owner is a nonresident or absent from the city, and the lot vacant or the buildings thereon unoccupied he shall serve such notice by depositing the same, inclosed in a sealed envelope, directed to such owner at his place of residence or where he may temporarily be (according to the best information he may be able to obtain) in the post-office and prepaying the postage thereon. If such dangerous or defective walk is in front of property owned or occupied by the

city or any of its departments exclusively, the commissioner of public works or a sidewalk inspector shall immediately repair the same or remove the snow, ice or other obstruction thereon, causing such defective or dangerous condition, at the expense of the city, or department occupying the premises abutting upon said walk. The commissioner of public works shall make a report of the facts, containing a certificate of the expenses incurred by him, in each case, except for a city department, in detail to the common council at its first regular meeting in each month, and in a book to be kept for that purpose, shall cause to be recorded the date of receipt of all notices, and all proceedings and expenses incurred, in each case, in detail. The commissioner of public works shall cause to be made, a copy of all notices served which, with proof of service thereof, he shall file in the office of the city clerk, at least once in each month. No error or mistake in the name or place of residence of any owner or occupant to whom such notices or either of them are addressed, or upon whom they or either of them, are served shall invalidate or in any manner affect the validity or legality of such service or of the subsequent proceedings taken and done by the commissioner of public works, sidewalk inspector or common council, and the amount of such expense shall nevertheless be a lien upon the premises abutting upon such walk, the same in all respects as if such error or omission had not occurred. The common council upon receiving such report shall give the same notice, determine the amount of such expenses, and take the same proceedings in all respects, and payment of such determined expense shall be enforced and compelled, in the same manner and with the same force and effect, as is required and provided in section one hundred and one of this act for the notice, hearing, determination and collection of the expense of laying, relaying, grading and regrading of sidewalks, curbs and gutters when done by the commissioner of public works. The amount so determined shall be a lien on said premises and may be enforced in the manner provided in said section. When the commissioner of public works or a sidewalk inspector shall repair or clean sidewalks in front of property occupied by a city department which is chargeable under the provisions of this section with the expense of repairing and cleaning sidewalks in front of property occupied by it, the commissioner of public works shall render a bill of the expense incurred, to the said department, and the same shall be audited and paid in the same manner as any

other claim against said department. The amount of expenses incurred under this section, when so determined, shall be paid from and charged to the street department account and when collected shall be credited to said account.

§ 100. The common council may require the making, laying, relaying, repairing, grading and regrading of sidewalks, and of curbstone or gutter adjoining such sidewalk, on any street, highway, traveled road, public lane, alley or square, within a fixed time not less than two weeks, and fix, determine and prescribe the width and other dimensions thereof, and the kind and quality of material to be used in the construction thereof, and if of flagging, the width and other dimensions of the several pieces to compose the same; and in default of the same being done in the manner and of the materials and dimensions required by it, by the owner or occupant of land in front of which such sidewalk, curbstone or gutter is required to be made, laid, relaid, repaired, graded or regraded, within the time fixed therefor by the common council, may cause the same to be done, and collect the expense thereof in the manner provided by the next section. Whenever the common council shall require the making, laying, relaying* repairing, grading or regrading of any sidewalk, or of any curbstone or gutter adjoining such sidewalk, it shall cause notice thereof to be given to the owner or occupant of the lands in front of which it requires the same, either by causing a certified copy of the resolution directing the same to be personally served upon such owner or occupant within three days after its approval by the mayor or by causing a copy of such resolution to be published twice a week for two successive weeks before the expiration of the time limited in such resolution for the performance of such requirement in a newspaper published in said city, and by depositing a copy of such resolution in the postoffice of said city, at least two weeks previous to the expiration of the time therein limited for the performance of such requirement directed to the owner or occupant of such lands, and prepaying the postage thereon.

§ 101. If the owner or occupant shall fail to make, lay, relay, repair, grade or regrade sidewalk, curbstone or gutter within the time required in the notice, the common council shall direct the commissioner of public works to cause the same to be done, and upon the completion thereof, the commissioner of public works shall report the fact to the common council with the expenses

* So in original.

incurred for doing the same. The common council upon receiving such report, shall cause at least five days' notice to be given to the owner or occupant of the lands in front of which such work has been done, describing briefly the work and the expense thereof, which shall include fees for publishing notices requiring the work to be done, and shall notify such owner or occupant to appear before the common council at their room, at the time named in said notice, when an opportunity shall be given him to contest the amount of said expenses and fees; said notice shall be served by mail in the same manner as notices prescribed in the last preceding section. The common council shall, at the time appointed, determine the amount, and its action shall be final and conclusive. The city clerk shall certify the amount so determined, to the city treasurer, who, if the same is not paid within thirty days, shall add one per centum per month thereafter until the same is paid, and if not paid previous to the collection of the annual city taxes, the amount, including the percentage up to that time, shall be added to the annual tax on said lands, and thereafter the aggregate amount shall be regarded and described in all proceedings as tax, and shall be collected at the same time and in the same manner, with like percentage, and with like power and effect as the July installment of the annual city tax. The amount so determined shall be a lien on said lands until paid. And such lien may be enforced by action in any court having jurisdiction to foreclose mortgages upon real estate.

TITLE X.

OPENING, LAYING OUT, STRAIGHTENING, WIDENING OR ALTERING STREETS, AND MAKING, ALTERING OR REPAIRING DRAINS AND SEWERS.

§ 102. The common council may open, lay out, straighten, widen or alter streets, highways and public lanes, and make, alter or repair sewers. The common council may establish and create independent sewer districts within which the cost of all sewers constructed shall be assessed upon and paid by all property therein situate, as hereinafter provided, and may, from time to time, upon application made therefor and cause shown, alter and change the same. Whenever the common council shall direct the opening and laying out of a new street, or the alteration of an existing street, or whenever any real estate or interest therein

shall be required for any municipal purpose whatever, the common council may acquire for the city, the necessary land and real estate by gift or by purchase at a price approved of by the board of estimate and control, or by condemnation proceedings conducted under the provisions of this act and the code of civil procedure of the state of New York. If the city of Auburn shall require any real estate or interest therein adjacent to said city for any municipal purpose whatever, the common council may acquire for the city, the necessary land and real estate by gift or by purchase at a price approved of by the board of estimate and control, or by condemnation proceedings conducted under the provisions of the code of civil procedure of the state of New York. The common council and those acting by its direction may enter upon the said lands required for the city and make a survey and map of the same. When the proposed improvement relates to a sewer, the survey and map shall show the whole route of the proposed sewer from its commencement to its termination. The common council shall cause notice to be published for six days in two daily newspapers in said city, briefly describing the proposed improvement and if it relates to a sewer, its commencement, route and termination and shall require all persons interested to attend the common council at the time and place appointed when an opportunity shall be given them to be heard in the premises. At the time appointed, the common council shall hear the persons interested and may thereupon make such order as to it shall seem proper.

§ 103. The common council may declare its intention to purchase or take lands for the proposed improvement, and thereupon the common council may purchase said lands at a reasonable compensation as provided by section one hundred and two of this act, and in case the common council is unable to so purchase said lands or any parcel thereof, it may condemn the same in the manner prescribed in title one of chapter twenty-three of the code of civil procedure of the state of New York.

§ 104. The common council after notice to parties interested and hearing thereon, and after confirmation or correction of the report of the commissioners if lands are taken, may make, alter or repair sewers, and may purchase any material needed and cause the labor to be done by or under the direction of the street superintendent, or may cause the same to be done by contract, in which latter case, it shall cause a notice to be published for six days in two daily newspapers published in said city, describing briefly

the sewers to be constructed, altered or repaired, and that sealed proposals to contract therefor, or for some part thereof to be specified will be received by the mayor up to the time named in said notice. Each sealed proposal shall be accompanied by a certified check, payable to the order of the city of Auburn for such amount as the common council shall designate, to become and be the property of the city, if such proposal be accepted and the person, persons or corporation making it does not, within fifteen days after notification of its acceptance, enter into and execute a contract to do such work in conformity with the specifications and the proposal accepted and execute and deliver concurrently therewith, a bond in the penal sum of double the amount for which the person, persons or corporation proposes to do the work, with two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all of its particulars, by the contractor. Instead of such certified check each sealed proposal may be accompanied, in the first instance by a bond in the penal sum of double the amount for which the person, persons or corporation proposes to do the work, with two or more sureties, each surety justifying in the penal sum of said bond, or a surety company bond, to be approved by the mayor, conditioned for the faithful performance of such contract in all of its particulars. After* the next meeting of the common council after the date named in said notice, the mayor shall present all sealed proposals with all bonds and certified checks accompanying the same, received by him and the same shall be opened and considered. The common council may reject any or all of the proposals if it deem it for the interest of the city so to do. If a proposal which shall be considered favorable to the city is so received, and the check or bond accompanying the same is acceptable, the common council may direct the mayor to contract with the party making such proposal. The common council may at any time when a sewer is being constructed, altered or repaired, whether within or without a sewer district, pay to the contractor such portion of the contract price not exceeding eighty-five per centum of the value of the work then done, as it may deem advisable, but such payment if made shall not be an acceptance of that portion of the sewer then completed, or a waiver of any of the rights of the city with reference thereto. Such payments may be made from the general city fund, or the common

* So in original.

council may borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum to make such payments, in which event it shall direct the mayor and city clerk to execute and deliver to the person or corporation from whom said money is borrowed, an obligation therefor, signed by them payable at the city treasurer's office at the time when the contract for said improvement provides the work shall be fully completed, and when due may extend the time of payment of said obligation, if necessary, but not beyond the time when said improvement is actually completed. If any sewer whether within or without a sewer district shall be constructed, altered or repaired by the common council as hereinbefore authorized, it may borrow the money required therefor as needed during the progress of the work, in the same manner as last hereinbefore provided. When a sewer or the repair or alteration thereof is completed, or a street laid out, opened, straightened, widened or altered, the common council shall determine the aggregate cost of the improvement, including interest paid or payable upon any obligation given as hereinbefore provided, and all other disbursements connected therewith, and if the improvement is a sewer constructed, altered or repaired, within a sewer district created as hereinbefore authorized, shall borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum to pay for such improvement, and shall direct the mayor and city clerk to issue not to exceed twenty-five bonds, signed by them, for the principal and interest thereof, each bond to be payable at the city treasurer's office in said city, one in one year from their date and one each successive year thereafter until all are paid. The common council shall thereupon add to such ascertained cost interest upon the whole amount of said bonds, until the same become by their terms due and payable, and shall by resolution direct the city clerk to divide the total amount so ascertained and declared into equal parts or installments, as near as may be (conforming to the amount of said bonds) and add one of said parts or installments to the July installment of the annual city tax, upon all taxable real property situate within such sewer district, as well as upon all real property owned by persons, charitable, benevolent, religious and educational corporations or societies exempt by law from general taxation, apportioning the same thereon according to the valuation of said property in the assessment roll for that year, and each year thereafter, until the whole thereof is paid, and after such addition by said city clerk, the aggregate amount in each case shall

be regarded and described in all proceedings as "tax" and shall be collected in the same manner with like percentage, power and effect, as the July installment of the annual city taxes are now or may hereafter be collected. Any and all parcels of property lying partly within and partly without any sewer district created under the provisions of this act shall be deemed and held to be wholly within said sewer district for the purposes of this act, provided however that the common council may by resolution determine otherwise when a sewer district is created without notice, or at any time thereafter upon petition and after causing notice to be published for six days consecutively in two daily newspapers published in said city, that at a regular meeting to be held at a time and place therein named it will consider such petition and give all persons interested an opportunity to be heard. The assessors of said city are hereby authorized and directed to add all exempt property situate within sewer districts created under the provisions of this act to the assessment rolls each year hereafter, placing the assessed valuation thereof in a separate and additional column to be headed "exempt for all purposes except for the construction, alteration and repairs of sewers within sewer districts." When the bonds hereinbefore directed to be issued upon the completion of the improvement are negotiated the common council shall cause to be deducted from the avails thereof, any sum taken from the general city fund or borrowed as hereinbefore authorized, which sum shall be paid to the city treasurer who shall place the same in and to the credit of said general city fund, if taken therefrom or pay with it the obligation or obligations held by the person or corporation loaning the money, evidenced thereby, or their assigns. Upon determining the aggregate cost of any other improvement authorized by this title, the common council shall borrow money upon the credit of the city of Auburn, at a rate of interest not exceeding five per centum per annum to pay for such improvement, and shall direct the mayor and city clerk to issue bonds for the principal and interest signed by them, payable at the city treasurer's office in said city in two installments, one in one year and the other in two years from their date. The common council shall thereupon add to the ascertained cost of said improvement interest upon the whole amount of said bonds to be issued therefor until the last installment of said bonds becomes due, and shall by resolution direct the assessors to assess the whole thereof, upon the real property benefited by such improvement as near as may be, in proportion to the benefits received.

§ 105. Upon receipt of a copy of said resolution, the assessors shall immediately proceed to view the locality of the improvement, and shall assess the amount directed upon the real property benefited by such improvement, as near as may be, in proportion to the benefits received, and shall make and subscribe an assessment roll thereof. Upon the completion of said assessment roll, the assessors shall give six days' notice by publication in two daily newspapers published in said city, of the fact that said assessment roll is made, that the same can be seen and examined at the assessors' office and that at the time appointed in said notice, which shall be within thirty days from the receipt of said resolution, they will hear the objections of parties interested. They shall also serve upon each person, firm or corporation whose name appears upon said assessment roll, at least three days before the time appointed for such hearing, a notice either personally or by depositing the same enclosed in a sealed envelope in the postoffice in said city, directed to said person, firm or corporation at his, their or its last known place of residence, according to the best information they may be able to obtain, the postage thereon being prepaid, which said notice shall state the name of such person, firm or corporation, the amount of his, their or its assessment and the time and place of said hearing. At said time the assessors shall hear objections and may adjourn from time to time, not exceeding in all ten days, for that purpose. They may add to such assessment roll any property liable to assessment which may have been omitted therefrom, upon giving written notice to the owner, agent or occupant of such property, by mailing a copy of the same addressed to such owner, agent or occupant, at his last known place of residence, at least three days before the final correction of such roll. At the time fixed by the published notice, or upon any adjourned day, the said assessors may correct and change any of the amounts in said assessment roll, either by increasing, diminishing or omitting the same altogether, according to the justice of the case. The assessment roll when completed, shall be immediately filed in the city clerk's office, and thereafter the respective amounts assessed therein, shall be a lien upon the lands upon which the same is assessed.

§ 106. Within sixty days after the final determination of all proceedings in which lands shall have been purchased or taken, the common council, shall cause to be paid or tendered to the respective owners the amount of purchase money or award to

which they are entitled. The money required for such purpose may be taken from the general city fund or borrowed upon the credit of the city of Auburn, and an obligation given therefor in manner and form and maturing at the time provided in section one hundred and four of this act.

§ 107. All assessment rolls for local improvements other than sewers constructed in independent sewer districts filed in the city clerk's office shall be presented by the city clerk to the common council at its next meeting thereafter. The common council shall thereupon direct the mayor and city clerk to issue the proper warrant, under the corporate seal of said city, commanding the city treasurer to collect the several amounts in said assessment roll and make return of his proceedings to said common council at its last regular meeting held in April in each year.

§ 108. The city treasurer upon receiving said warrant and assessment roll, as provided in the last preceding section, shall within ten days thereafter, serve or cause to be served upon each person, firm or corporation whose name appears in said assessment roll, a notice in substance as follows:

City Treasurer's Office.

Auburn, N. Y., (date)

To (name of person assessed):

Take notice that I have received the warrant for the collection of assessments for the (name of improvement.) That (designate property) is assessed to you in the sum of \$ (give amount) for said local improvement. You are hereby required to pay said sum at my office, in four equal payments as follows: the first payment to be made within six months, the second within one year, the third within eighteen months, and the fourth within two years from this date; or in default of such payments or either of them, the said amounts will be collected in the manner provided by law.

(Name of city treasurer.)

The said notice may be served upon said persons either personally or by depositing the same in the postoffice in said city, in an envelope securely sealed, postpaid and properly directed to said person, firm or corporation at his, their or its last known place of residence, according to the best information which the city

treasurer may obtain. Said city treasurer shall also, at or before the date of said notice, give notice twice a week for three weeks in a daily newspaper in said city, stating that he has received such assessment roll, and that he will, receive at his office, the amount therein set forth, in like manner and times, as stated in the notice first above described, and that in default of such payment said assessments, or any installment thereof, will be collected in the manner provided by law.

§ 109. If such assessments, or any installment thereof, shall not be paid when the same by the terms of said notice become due, the city treasurer shall issue his warrant, under his hand and the seal of the city, to any constable of said city, commanding him to levy the said assessment or installment thereof, which is due, with six per centum thereon, by distress and sale of the goods and chattels of the persons upon whose real estate the assessment is levied, or of any goods or chattels in his or her possession wherever the same may be found in the city and pay the same over to the city treasurer, less five per centum, his fees, within thirty days from the date of said warrant. A list of such past due assessments or installments thereof shall be annexed to said warrant. Upon receipt of such warrant, the constable shall, in all respects, proceed in the manner required of him by this act for the collection of unpaid city taxes; and shall make like return to the city treasurer.

TITLE XI.

COLLECTION OF ASSESSMENTS FOR LOCAL IMPROVEMENTS.

Section 110. In case any such assessments or installments thereof shall be returned by the constable uncollected, and shall not be paid previous to the collection of July installment of the annual city tax, each of the amounts so returned, including six per centum per annum thereon up to that time, shall be added to the said annual city tax on the respective lots upon which said unpaid amounts are assessed; and thereafter, the aggregate amount in each case shall be regarded and described in all proceedings as "tax," and shall be collected in the same manner, with like percentage, power and effect as the July installment of the annual city taxes; but the provisions of this section shall not prevent the enforcement of the lien of such assessment as hereinafter provided.

§ 111. No error or mistake in the name of any owner of any lands assessed for local improvements, or the fact that the name appearing in the assessment roll for local improvements as owner of any lands is not the owner of such lands, nor irregularity in advertising any resolution, notice or other proceeding for which such assessment shall have been made, nor any omission of any officer, agent or contractor to carry out any detail of any resolution or contract, shall invalidate said assessment or the assessment roll, except only where fraud is shown, but the amount assessed and appearing thereon as being assessed upon such lands shall, nevertheless, be a lien on said lands, and such lien may be enforced and foreclosed by action in any court having jurisdiction to foreclose mortgages upon real estate.

§ 112. The city treasurer shall keep a separate account for each local improvement authorized by title ten of this act. He shall place to the credit of each account the moneys borrowed upon the bonds of the city to pay for such improvement, together with all assessments received by him therefor. All orders drawn upon said city treasurer to pay for such improvements shall be a charge upon the particular fund to which it relates, not exceeding in all the amount of money borrowed upon said bonds. When the bonds for any particular improvement are due, and are presented for payment, the city treasurer shall pay the same out of any moneys remaining in the fund relating to said improvement. In case sufficient moneys have not yet been received from the assessments to meet said bonds, the necessary amount shall be transferred from the general city fund to the fund or account charged with the payment of said bonds; and, thereafter the assessments received shall be used to reimburse said general city fund, so far as the same shall be necessary. All bonds paid by said city treasurer shall be immediately presented to the comptroller for cancellation. After all claims for local improvement, for which a separate fund has been kept, have been paid, any surplus remaining in said fund shall be, by the city treasurer, transferred to the general city fund.

TITLE XII.

PREVENTION AND EXTINGUISHMENT OF FIRES.

Section 113. There shall be a fire department in said city to consist of a fire commissioner, a chief of department, an assistant chief, a fire marshal, and a competent number of able-bodied men

organized into companies. The mayor shall appoint as head of the fire department a fire commissioner who shall hold office at the pleasure of the mayor. He shall make, subject to the approval of the mayor, rules and regulations for the management of the department. The fire commissioner shall employ as many men to serve as firemen as shall be recommended by the board of estimate and control and approved by the common council. He shall appoint from the number so employed a chief of department, an assistant chief and captains.

§ 114. The fire commissioner shall have the power to enter, from time to time, any public building within said city, for the purpose of inspecting the means of exit therefrom in case of fire. He shall have the power to compel the owner or lessee of any such building to make such changes by way of additional means of exit, or of fire escapes, or both, as he shall, by written order direct, and to fix the time within which such changes shall be made. In the meantime and until such changes shall be completed, if such building be a place of amusement, the said commissioner may, in his discretion, order and determine that the same shall be closed to the public. The said commissioner may maintain suit in the name of "The fire commissioner of the city of Auburn," to enforce compliance with any order he may lawfully make in the premises.

§ 115. Any member of the fire department may be publicly reprimanded or suspended with or without forfeiture of pay, for a period not exceeding twenty days, by the chief of the department or may be deprived of any official position he holds in the department and reduced to the ranks or dismissed by the fire commissioner, for the commission of any criminal offense, neglect of duty, violation of rules or regulations of the fire department, disobedience of orders, absence without leave, corrupt or improper conduct or conduct unbecoming an officer, breach of discipline or incapacity. No member of the fire department shall be dismissed by the fire commissioner until after an opportunity is given him to be heard before said commissioner, upon a notice of six days, accompanied with a copy of the charges preferred.

§ 116. The fire commissioner, subject to the approval of the mayor, shall appoint a fire marshal whose duties shall be as follows: The fire marshal shall have power to enter and examine all buildings in said city, to ascertain as to their construction and whether any danger from fire exists therein or therefrom;

he shall attend and investigate all fires and their causes and report the same to the fire commissioner; he shall enforce all ordinances of the city relating to the prevention and protection from fires, and all ordinances established by the fire commissioner and common council relating to the prevention of and protection from fires. The said commissioner is hereby authorized to prescribe such ordinances, as he shall deem necessary, governing the maintenance, repair and erection of buildings in said city, the placing, regulating, inspecting and control of electric and other wires therein and thereon; the requirements of fire protection and the general control and powers of the fire marshal, which when ratified and approved by the common council and published three times in two daily newspapers published in said city, shall have the same force and effect as an ordinance by the common council enacted. Such ordinances shall prescribe penalties for the violation of the same, and an action may be maintained, in the name of the city of Auburn, in any court of competent jurisdiction to collect such penalties, not exceeding one hundred dollars for each violation or refusal to obey the same; or to restrain by injunction any violation, or otherwise to enforce such ordinances or either of them. Every person who shall wilfully violate or refuse to obey any ordinance, made and published as herein directed, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, in the discretion of the court, such fine not to exceed five hundred dollars, nor such imprisonment six months. The fire commissioner shall have power, in all investigations or examinations which he may order with regard to any fires or fire alarms, to hear evidence, bring before him persons, books and papers by subpoena as provided by sections eight hundred and fifty-two and eight hundred and fifty-four of the code of civil procedure, and the enforcement of obedience to such subpoena, and penalty for a violation thereof, or a refusal to be sworn and testify upon such hearing shall be the same and conducted in the same manner as provided by sections eight hundred and fifty-five, eight hundred and fifty-six, eight hundred and fifty-seven and eight hundred and fifty-eight of the code of civil procedure; said commissioner shall have power to administer an oath for the purpose of said examination, as provided by section eight hundred and forty-three of the code of civil procedure. A witness who testifies falsely upon such examination is guilty of perjury and shall be punished in the same manner as if committed upon the trial of a civil action.

§ 117. The fire commissioner shall have charge of the property now owned or hereafter acquired by the city in the possession of the fire department.

§ 118. The common council shall have power to establish a fund to be known as the "firemen's relief and pension fund." The board of estimate and control shall, subject to the approval of the common council, provide for the same by resolution, except as otherwise provided by this act. Any relief or pension fund for the benefit of members of the fire department now existing or any such fund which shall hereafter be created, increased or extended shall be maintained, managed and controlled by the comptroller of the city, who shall be the trustee of the fund for the purposes for which it was created. The two per centum tax required by section one hundred and thirty-three of chapter six hundred and ninety of the laws of eighteen hundred and ninety-two (or any amendment thereof), to be paid by foreign fire insurance corporations, associations or individuals, or their agents, to the treasurers of fire departments of cities and villages in this state, and all similar taxes, now or hereafter required by any statute of this state, to be paid for like purposes, shall within the city of Auburn be paid to the city treasurer who shall place the same, together with all fines imposed on members of the fire department by the chief of the department or the fire commissioner and paid to him, and all donations made to said commissioner or to the fire department direct, for relief and pension purposes, to the credit of the fireman's relief and pension funds, except that he shall pay to the treasurer of the firemen's association of the state of New York ten per centum of the amount received by him from the said two per centum tax for the support or maintenance of the volunteer firemen's home at Hudson, New York. The fire commissioner shall, subject to the approval of the board of estimate and control, establish rules and regulations for the distribution and payment of relief and pensions to sick, disabled or retired members of the fire department.

§ 119. The fire marshal or in his absence from the city, the fire commissioner at any fire may by written direction signed by him, command the chief of the department or in his absence the assistant chief, to pull down or destroy any buildings which the said fire marshal, or in his absence from the city, the fire commissioner, shall deem hazardous or likely to communicate fire to any other building or buildings, and no action shall be maintained

against the city of Auburn nor against any person therefor; but the owner, or any person interested in any building so pulled down or destroyed, or any personal property therein, may within three months, but not thereafter, apply to the common council, by petition, stating the interest of the petitioner in said building, or the personal property therein destroyed, with the particular description of the property destroyed and its value.

§ 120. The common council may agree with such petitioner as to the amount of just compensation to be paid for any building or personal property so destroyed, but in case the common council is unable to agree with any petitioner as to the amount of just compensation, then said petitioner, or the common council, may make application for the appointment of commissioners to ascertain and report the just compensation to be paid to the said petitioner, owner of said building or personal property therein destroyed in the same manner and to the same court as is provided in title one of chapter twenty-three of the code of civil procedure of the state of New York.

§ 121. The commissioners so appointed shall receive like fees and possess like powers to ascertain and report the just compensation to be made to any petitioner, for the building or personal property destroyed, as the commissioners named in title one of chapter twenty-three of the code of civil procedure of the state of New York, and may also take proof of the probability of said building or personal property having been destroyed or injured by fire, if the building had not been so pulled down, and may report that no compensation should equitably be awarded to said petitioner, when the probability of its having been destroyed by fire is established by proof to their satisfaction. The commissioners, or a majority of them, shall make and sign their report and deliver the same to the city clerk, and an appeal may be taken therefrom in like manner, upon like condition, brought to hearing upon like notice, and the court shall possess, upon said appeal, like powers as are provided in said title one of chapter twenty-three of the code of civil procedure of the state of New York.

§ 122. The common council may, upon the confirmation or correction of the report of the commissioners, or upon agreement with any petitioner for just compensation, direct the assessors to assess the amount awarded by the commissioners or agreed upon as just compensation, as aforesaid, upon the real estate benefited. The assessors, upon receipt of a copy of the resolution, in either

of said cases, shall possess like powers, and proceed in like manner to make said assessment, and to make and subscribe an assessment roll thereof, to hear objections, correct amounts, and complete and file assessment roll thereof, as is provided in said title ten of this act. All the provisions of title eleven of this act shall apply to said assessment roll and the amount therein assessed, and the same shall be collected and enforced as in said title eleven provided.

TITLE XIII.

MISCELLANEOUS PROVISIONS.

Section 123. Every person elected or appointed to any office under this act, who shall be sued for any act done or commenced by him by virtue of his office, and who shall have final judgment rendered in his favor, whereby he shall be entitled to costs, shall recover twice the amount of his taxed costs.

§ 124. The city of Auburn shall not be liable for damages or injuries sustained by any person, in consequence of any sidewalk in said city being defective, out of repair, dangerous from any cause, obstructed by snow or ice, or in any other way or manner, unless actual notice of the defective, dangerous, unsafe or obstructed condition of such sidewalk shall have been given to the commissioner of public works or a sidewalk inspector, at least forty-eight hours previous to such damage or injury. No action shall be maintained against the city of Auburn for any injury received or damage sustained by reason of the negligence of said city or any of its departments, boards, officer, agents or employees, unless written notice specifying the time, place and cause of such injury or damage, and of an intention to commence an action against the city therefor, shall have been filed with the city attorney within sixty days after such injury shall have been received or damaged* sustained, if notice be filed by or in behalf of the person injured, or sustaining damage, and within six months if presented by his or her legal representatives, nor unless such action shall have been commenced within one year after such injury was received or damage sustained. No costs, fees, disbursements, or allowances, shall be recovered or inserted in any judgment against said city or against any of its officers or authorized agents, when the city would be liable to respond to such officer or authorized agent, unless the claim, whether arising on

* So in original.

contract, express or implied, negligence or tort, upon which said judgment is founded, shall have been presented for payment to the common council at least thirty days before the commencement of an action thereon.

§ 125. No person shall be an incompetent judge, recorder, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Auburn, in any action or proceeding in which said city is a party interested.

§ 126. The mayor, or the chairman or any committee or special committee of the common council and each of the commissioners appointed or elected pursuant to the provisions of this act, shall have power to administer oaths or take affidavits in respect to any matters relating to the duties of their office, and any other officer or official, vested under this act, with the power of appointment or removal or* subordinates shall have the same power to issue subpoenas, compel the attendance of witnesses, administer oaths to them and compel them to testify (in proceedings pending before such officer or official for the dismissal of a subordinate against whom charges must be preferred and heard, as provided by this act and the laws of the state of New York,) that is possessed by the justices of the peace of towns, in civil actions pending before them, in which they have jurisdiction; in all cases where the person sought to be removed is entitled to a hearing upon charges preferred, such person shall file with the officer or department having the power of removal in such case, his written answer to such charges at least three days before the day fixed for the hearing thereon, and any person who may be required to take any oath or affirmation, or to make any affidavit or statement under oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, wilfully swear falsely as to any material fact or matter shall be guilty of perjury.

§ 127. The said city, except as is otherwise in this act provided, shall be considered one of the towns of Cayuga county. The expense of apprehending, examining, trying and committing offenders against any law of the state in said city, and of their confinement, properly chargeable against the county of Cayuga, shall be audited, allowed and paid by the board of supervisors of said county, in the same manner as if such expenses had been incurred in any town in said county of Cayuga. The said city

* So in original.

of Auburn shall be considered a town for the purposes specified in title three, chapter ten, article second, of the code of civil procedure, respecting the selecting, drawing and procuring of jurors and the supervisors and assessors of said city shall execute the duties of the supervisors, town clerk and assessors of a town, as prescribed by said article, and a duplicate list of jurors selected by them, shall be filed in the office of the city clerk of said city.

§ 128. When corporations, associations, copartners, joint-tenants or tenants in common, are to be served with a notice under any provision of this act, or under the direction of the common council, it shall be deemed a sufficient, valid and legal service of such notice to serve a copy thereof upon the president, cashier, treasurer, one of the directors, or the managing agent of such corporation or association, or upon any one of such copartners, joint-tenants or tenants in common.

§ 129. The affidavit of the service of any notice, under the provisions of this act or under the direction of the common council, made by the person serving the same; or where the service is made by publication, the affidavit of the publisher of the paper, the clerk, editor or foreman in his office, stating that such notice has been published the time required by law, and filed with the city clerk, shall be presumptive evidence of the due publication of such notice, and of such service in all courts and places, as shall be also certified copies of the same made by the city clerk.

§ 130. Every act, ordinance, by-law, public regulation, resolution or proceeding of the common council of the city of Auburn, may be read in evidence in all courts and places in this state either:

1. From the record of the proceedings of the common council.
2. From a copy of such act, ordinance, by-law, public regulation, resolution or proceeding, certified by the city clerk, with the seal of the corporation affixed; or,
3. From the printed volume of ordinances, by-laws and public regulations printed by authority of the common council.

§ 131. Chapter fifty-three of the laws of eighteen hundred and seventy-nine and all acts and parts of acts amendatory thereof are hereby repealed, but such repeal shall not affect any right already existing or accrued or any liability incurred by reason of any violation of any law heretofore existing or any suit or proceeding already instituted, or action had under said laws,

unless otherwise expressly provided in this act. But nothing herein contained shall be construed to repeal any ordinance of the city of Auburn not inconsistent with the provisions of this act, or any of the acts or part of acts relating to the purchase of supplies from the state prisons.

§ 132. The provisions of this act so far as they are substantially the same as those of laws existing on January second, nineteen hundred and six, relating to the city of Auburn and the charter of the said city, shall be construed as a continuation of such laws, modified or amended according to the language employed in this chapter, and not as new enactments. The powers which are conferred and the duties which are imposed upon any officer or department of the city under any statute of the state, or any city ordinance which is in force at the time of the taking effect of this act, shall be thereafter exercised and discharged by the officer, board or department upon whom is imposed corresponding or like functions, powers and duties under the provisions of this act. Where any contract has been entered into by the city prior to the time of the taking effect of this act, or any bond or undertaking has been given to or in favor of the city, which contains provisions that the same may be enforced by some officer, board or department therein named, such contracts, bonds and undertakings shall not in any manner be impaired, but shall continue in full force and the powers conferred and the duties imposed with reference to the same upon the officer, board or department shall thereafter be exercised and discharged by the officer, board or department upon whom is conferred or imposed like powers, functions or duties under the provisions of this act.

§ 133. This act shall take effect immediately.

Chap. 186.

AN ACT to amend chapter five hundred and fifty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the supreme court in the first judicial district and the appellate division thereof," making provision for the appointment by said appellate division in the first department of official referees and for their compensation.

Became a law, April 11, 1903, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter five hundred and fifty-three of the laws of eighteen hundred and ninety-five, entitled "An act in relation to the supreme court in the first judicial district and the appellate division thereof," as amended by chapter nine hundred and fifty-nine of the laws of eighteen hundred and ninety-five, as amended by chapter two hundred and four of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 5. Each of the justices of the supreme court in the first judicial district elected or transferred to said court, including the justices of the appellate division in the first department, shall appoint and at pleasure remove a clerk to such justice, and four attendants upon the court. Each of said clerks to receive as salary a sum to be fixed by the justices of the appellate division, not exceeding twenty-five hundred dollars per annum, and the attendants the salary now allowed by law. Each of said attendants may also be removed by the appellate division, but not until he has been informed of the cause of the proposed removal and has been allowed an opportunity to make an explanation. The appellate division of the supreme court in the first department may from time to time appoint any justice or justices of the supreme court in the first judicial district now or hereafter in office, who shall have served as a judge or justice of a court of record for twenty years or more, and who after such service shall at the age of sixty-five years or over retire from his or their said office, by expiration of term or resignation or because he or they shall have arrived at the age of seventy years, as official referee or referees, for the term of his or their life. To any of such official referees may be referred any action, matter or proceeding pend-

ing in said supreme court, referable by statute or the rules and practice of said court, in which the justice making the order of reference shall deem that for any reason the expense of such reference should not be borne by the parties to such action, matter or proceeding. The county of New York shall pay annually to each of said official referees a sum equal to the annual compensation paid by the said county of New York to such justice or justices when in office, and said referee or referees shall not charge or receive from the parties to the action, matter or proceeding any fee or compensation for any service rendered as such referee, but may charge the said parties with any disbursements actually incurred by him or them in the performance of his or their duties as such referee, provided the same be allowed by the court. If the services of a stenographer should be required in the action, matter or proceeding so referred to such official referee, such stenographer shall be selected by said referee from the official stenographers of the supreme court, and the parties to the action, matter or proceeding shall not be required to pay any of the fees of such stenographer for taking the testimony or furnishing one copy thereof to the referee, but the same at the rate of ten cents a folio shall be paid by the county of New York.

§ 2. This act shall take effect immediately.

Chap. 187.

AN ACT to legalize and validate a certificate of indebtedness or bond of the town of Deerfield, in the county of Oneida, executed by the town board and commissioner of highways of said town, for the purpose of paying back indebtedness of said town.

Became a law, April 11, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The special town meeting of the town of Deerfield in the county of Oneida, held in said town, in the three election districts thereof, on the twenty-seventh day of February, nineteen hundred and six, at which a majority of the votes cast were to authorize the appropriation of eight thousand nine hundred dollars to pay the indebtedness of said town, is hereby legalized, rati-

fied, validated and confirmed in all things, notwithstanding the omission of any lawful requirement in relation to said town meeting and the said vote thereat. -

§ 2. The certificate of indebtedness or bond of said town for the sum of eight thousand nine hundred dollars and interest, executed by the town board and the commissioner of highways of said town, pursuant to the aforesaid vote of said town at said special town meeting, dated March third, nineteen hundred and six, bearing interest at the rate of four per centum per annum, and providing for the payment of said sum of eight thousand nine hundred dollars as follows, to wit: One thousand dollars thereof on the fifteenth day of March, nineteen hundred and eight, and one thousand dollars thereof on the fifteenth day of March in each and every year thereafter until the fifteenth day of March, nineteen hundred and sixteen, when the last payment of said sum, consisting of nine hundred dollars, is to be paid, and providing for the payment of semi-annual interest on all unpaid parts of said eight thousand nine hundred dollars at the rate of four per centum per annum on the fifteenth days of March and September in each and every year to and including the fifteenth day of March, nineteen hundred and sixteen, is hereby in all things legalized, ratified validated and confirmed, and; it is hereby declared to be a valid and subsisting obligation of said town of Deerfield.

§ 3. The board of supervisors of said county of Oncida in the manner provided by law shall cause such sums to be collected annually by taxes as may be necessary to pay the interest and principal of said certificate of indebtedness or bond as the same shall become due, according to its terms.

§ 4. This act shall take effect immediately.

Chap. 188.

AN ACT to authorize the city of Utica to construct a general system of storm-water drainage, and to borrow money to pay for the same.

Became a law, April 11, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Utica is hereby authorized to build, construct and maintain a general system of storm-water drainage, in and through any of the streets, avenues, alleys and lanes of the city, and on private property where the same is deemed necessary. Such drains shall be used for the conveyance of storm water, roof water and surface water only, and shall not be used for the conveyance of sewage.

§ 2. Such drains for the conveyance of storm water, roof water and surface water shall be determined upon and constructed in the same manner provided for by section ninety-nine of the city charter, except that notice of filing the said plans and specifications shall be published in the official newspapers for three times a week for not less than three weeks, and the common council shall not act in relation to its construction until at least five weeks from the first publication thereof, and one or more such drains may be included in the same proceeding. The work done under any contract let as provided in this act, shall be under the supervision of the officers of said city heretofore or hereafter elected or appointed, who have by law the supervision and control of the construction of the public works or improvements in said city, and no contract for the construction of said work shall contain any provision depriving such officers of any of their powers of supervision and control as above provided.

§ 3. The cost of constructing said drains for storm water, roof water and surface-water drainage, shall be a general city charge, and the common council shall have the power to borrow money to pay such cost, but not more than fifty thousand dollars shall be so borrowed or expended in the year nineteen hundred and six, and not more than twenty-five thousand dollars a year thereafter.

§ 4. The common council, for the purpose of providing money to pay the cost of said drains, may issue the corporate bonds of said

city to such amount as may be necessary for the purpose, and such bonds may be issued from time to time, during the construction and after the completion of the work, as the common council deems it necessary or expedient to provide such money or portions thereof. Such bonds to fall due in not less than ten years and to run not more than thirty years from their date, and to bear interest at a rate not exceeding four per centum per annum. They shall be sold for not less than par, and the proceeds thereof shall be paid to the city treasurer and shall be kept by him as a separate fund, and shall be drawn and paid out for said purposes in the same manner as other city funds are drawn and paid out by the common council. The common council shall raise in each annual city tax levy the amount of principal and interest falling due on said bonds in the ensuing year. Any premium received upon the sale of said bonds shall be kept and applied toward the payment of the bonds first falling due.

§ 5. The city of Utica shall have the power to acquire any lands which shall be needed for any of said drains by condemnation proceedings taken under the provisions of the condemnation law, and the costs and expenses of acquiring the same shall be deemed to be a part of the cost of constructing said drains.

§ 6. This act shall take effect immediately.

Chap. 189.

AN ACT to amend the tax law, in relation to sales for nonpayment of taxes in Clinton county.

Became a law, April 11, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," as amended by chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-eight and chapter one hundred and seventy-one of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 100. Return of unpaid nonresident taxes.—The collector shall

return the original assessment roll to the county treasurer, and when the treasurer finds an account of unpaid taxes on real property or unpaid taxes on corporations, received from a collector to be a true transcript of such original assessment roll to which the collector's warrant is attached, with the descriptions furnished by the supervisor as provided in section eighty-nine, he shall add to it a certificate that he has examined and compared the account with such roll and found it to be correct, and after crediting the collector with the amount thereof, he shall, except in Saint Lawrence, Lewis, Clinton and Oneida counties, in case his county embraces a portion of the forest preserve, before the first day of May next ensuing, transmit such account, affidavit and certificate to the comptroller who may before acting thereon return any such account to the county treasurer for correction, who shall make such correction and return to the comptroller in one month thereafter or as the comptroller may otherwise direct.

§ 2. Section one hundred and fifty of said chapter, as amended by chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-eight, chapter two hundred and sixty-one of the laws of nineteen hundred and one, chapter one hundred and seventy-one of the laws of nineteen hundred and two and chapter one hundred and seventy of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 150. **When lands to be sold for unpaid taxes.**—Whenever any tax charged on real estate, in the counties of Saint Lawrence, Lewis, Clinton and Oneida, or in a county not including a portion of the forest preserve, is returned to the county treasurer, he shall not return the same to the comptroller, but if such tax, with interest thereon at the rate of ten per centum per annum, computed from the first day of February, after the same is levied, shall remain unpaid for six months from that date, such county treasurer shall advertise and sell such real estate as herein provided for the payment of such tax and interest and the expenses of such sale. The expense of publication of the notice of sale and the list of lands to be sold and the expense of conducting the sale, and the expense of publication of the notice of unredemmed lands, if thereafter redeemed, shall be a charge on the land liable to be sold and shall be added to the tax and interest. The county treasurer of the county of Rockland may defer the sale of any parcel of nonresidential real estate in such county for unpaid taxes, until the unpaid taxes thereon with accrued interest shall amount in the aggregate to the sum of two dollars.

§ 3. Section one hundred and fifty-one of said chapter, as amended by chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-eight and chapter four hundred and forty-five of the laws* nineteen hundred and five, is hereby amended to read as follows:

§ 151. **Advertisement and sale.**—The county treasurer shall immediately after the expiration of such six months cause to be published at least once in each week for six weeks, in two newspapers designated for the publication of the session laws, a list of real estate so liable to be sold, together with a notice that such real estate will, on a day at the expiration of said six weeks specified in such notice, and the succeeding days, be sold at public auction at the courthouse in the county where the same is situated, to discharge the taxes, interest and expenses that may be due thereon, at the time of such sale. Such list shall contain the name of the owner or occupant of each piece of real estate to be sold, as the same appears upon the assessment roll of the year in which unpaid taxes were assessed, a brief description of such real estate, and the total amount of such unpaid taxes for the year advertised, which said total amount shall include all taxes, interest, expenses and other charges against the property for the year advertised. The comptroller may prescribe the form and manner of preparing such list, which when so prescribed shall be followed so far as possible by the several counties of the state. No such list shall be published until the same shall have been submitted to and approved by the state comptroller. On the days mentioned in such notice the county treasurer shall begin the sale of said real estate and continue the same from day to day. The charges for publishing such notice shall be seventy-five cents per folio for the first insertion, and fifty cents per folio for each subsequent insertion. The counties of Saint Lawrence, Lewis, Clinton and Oneida, and the counties of the state other than those in the forest preserve are empowered to acquire and hold such lands. Within twenty days after the time for redemption has expired the county treasurer of each of the counties of Saint Lawrence, Lewis, Clinton and Oneida shall file with the comptroller a certified statement of all tracts or parcels of land situated in the forest preserve which have been bid in by the county and have not been redeemed, and shall sell and convey to the state any tract or parcel of land specified in such statement, which the comptroller shall designate within six

* So in original.

months after such statement is filed, upon the payment of the taxes, interest and expenses due thereon at the time of the sale and also all taxes assessed thereon since such sale, and the comptroller shall draw his warrant on the state treasurer for the amount thereof or credit the county with such amount on the books of his office. After the expiration of such six months, in the counties of Saint Lawrence, Lewis, Clinton and Oneida, and after the time for redemption has expired in any other county, the county treasurer is authorized in the name of the board of supervisors of the county to sell and convey under his hand and seal such lands as have not been conveyed to the state in the manner and upon such terms as the board of supervisors of the county may direct.

§ 4. This act shall take effect immediately.

Chap. 190.

AN ACT to amend the Greater New York charter by the addition of a new section to be known as section one hundred and forty-nine-a, to provide for the compilation of statistics by the various officials, boards, corporations, et cetera, having custody of city or county property, or receiving or disbursing moneys received from the city or the counties thereof, and by the amendment of section one hundred and fifty-one to provide for the establishment of a bureau of investigation and statistics in the department of finance.

Became a law, April 11, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by inserting therein a new section to be known as section one hundred and forty-nine-a, as follows:

§ 149-a. Every official or employee of the city, or of the counties included within the City of New York, and every board or commission charged by law or by due authority with the custody

of property of the City of New York or the counties thereof, or with the direction of work done, or services performed, by or on behalf of the City of New York or the counties therein, or the disbursement or receipt of moneys from the city or counties therein, and every person, official, board, commission or corporation receiving or disbursing moneys from the city or counties therein for public purposes shall at such times, under such conditions, and in the manner directed to do so by the comptroller, furnish reports of facts relating to any or all of said property of the City of New York, or the counties therein, or of said work or said services, or of the receipt or disbursement of said moneys from the city or counties therein, and shall compile and maintain in their respective offices such system of statistical record as the comptroller may require appertaining to all matters referred to in this section.

§ 2. Section one hundred and fifty-one of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one is hereby amended to read as follows:

§ 151. There shall be six bureaus in this department:

1. A bureau for the collection of revenue accruing from rents and interests on bonds and mortgages, and revenue arising from the use or sale of property belonging to or managed by the city, and the management of the markets, the stalls or stands in which shall be rented on permits, to be issued by the comptroller, all of such permits heretofore or to be hereafter issued to be revocable by the comptroller for good and sufficient cause, and not otherwise, which shall be known as the bureau for the collection of city revenue and of markets. The chief officer of such bureau shall be called the collector of city revenue and the superintendent of markets. It shall be lawful for such bureau, under the direction of the comptroller, to collect rental for the temporary use and occupation of property acquired by the city for public purposes between the time of the acquisition thereof and the time when the same can be actually utilized for the purposes for which it was acquired, and of property which, having been originally acquired for public purposes, has ceased to be used for such purposes.

2. A bureau for the collection of taxes, the chief officer of which shall be called, the receiver of taxes. He shall receive a salary at the rate of five thousand dollars per annum.

3. A bureau for the collection of assessments, and of such

taxes, assessments and water rents as are in arrears, the chief officer of which shall be called the collector of assessments and arrears. He shall receive a salary at the rate of four thousand dollars per annum.

4. An auditing bureau, which under the supervision of the comptroller shall audit, revise and settle all accounts in which the city is concerned, as debtor or creditor, and the chief officers whereof shall be called auditors of accounts, to be appointed or removed, as shall be also deputy auditors, at the pleasure of the comptroller. During the absence of either or any or all of said auditors of accounts, from illness or other cause, said deputy auditors or any or either of them shall, when and to the extent he or they may be authorized so to do in writing by the comptroller, perform the duties and exercise the powers of either or of any or of all of the said auditors of accounts. The said auditing bureau shall keep an account of each claim for and against the corporation, and of the sums allowed upon each, and certify the same to the comptroller, with the reasons for the allowance. The comptroller may detail any of such auditors and deputy auditors as he may deem proper to the borough hall of the borough of Brooklyn, to the borough hall of the borough of the Bronx, to the borough hall of the borough of Queens and to the borough hall of the borough of Richmond, in addition to such as may be in the chief office of the comptroller in the borough of Manhattan. All such accounts arising from local improvements within the borough of Brooklyn may be audited, revised and settled by the auditor or the auditors of accounts so detailed as aforesaid by the comptroller in the borough hall of the borough of Brooklyn. All such accounts arising from local improvements within the borough of Queens may be audited, revised and settled by the auditor or auditors of accounts so detailed as aforesaid by the comptroller in the borough hall of the borough of Queens. All such accounts arising from local improvements within the borough of Richmond may be audited, revised and settled by the auditor or auditors of accounts so detailed as aforesaid by the comptroller in the borough hall of the borough of Richmond. And all such accounts arising from local improvements within the boroughs of Manhattan and the Bronx may be audited, revised and settled by any of the auditors of accounts in the chief office of the comptroller in the borough of Manhattan, or, so far as the borough of the Bronx is concerned, in the office to be located in the borough hall of the borough of the Bronx, and the auditors of

accounts may have such clerks and assistants, examiners, engineers, inspectors and employees as the comptroller may deem necessary and proper, to be appointed by the comptroller.

5. A bureau for the reception and safe keeping of all moneys paid into the treasury of the city, and for the payment of money on warrants drawn by the comptroller and countersigned by the mayor, the chief officer of which shall be called the chamberlain.

6. A bureau of municipal investigation and statistics, the chief officer of which shall be called the supervising statistician and examiner, appointed by the comptroller and including as many expert accountants, examiners of accounts and other employees as the comptroller may deem necessary for the work thereof. Said bureau, under the direction of the comptroller, shall determine the scope of and the form in which statistical information shall be compiled and furnished under section one hundred and forty-nine-a of the charter, and shall compile and collate all such facts and statistics and make report to the comptroller concerning the same at least once annually and oftener, if required by the comptroller, which reports shall be published in the City Record. Said bureau shall be the custodian of and shall conveniently locate for reference all records of the municipalities or corporations consolidated under the provisions of this act, and of the municipalities or corporations consolidated with or annexed to any of the component parts of the Greater New York previous to January first, eighteen hundred and ninety-eight, and of all boards or commissions in control of or directing work paid for out of moneys of the City of New York or of any of its component parts heretofore existing as municipalities or corporations, where such boards or commissions have been or may be abolished or terminated (except as provided by chapter five hundred and ninety-one of the laws of eighteen hundred and ninety-nine and chapter one hundred and seventy-one of the laws of nineteen hundred and four) provided that no book or record shall be removed from the custody of any other department, bureau or office of the city or of the counties therein, or from the office of any board or commission, while such book or record is of use to said department, bureau, office, board or commission in the performance of official duty. All books, records and reports in the custody of said bureau, and all reports made by said bureau to the comptroller (except reports upon investigations of criminal acts, or reports upon investigations to aid in the defense of actions at law brought against the city, before such acts or actions have been reviewed by the courts), shall be

accessible to the public under proper regulations for the protection of the same from loss or defacement, and certified copies thereof shall be furnished to applicants upon the payment of fees, as now provided by law.

§ 3. This act shall take effect immediately.

Chap. 191.

AN ACT to amend the forest, fish and game law, relative to the close season for deer.

Became a law, April 11, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter five hundred and ninety-nine of the laws of nineteen hundred and chapter five hundred and eighty of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 2. Deer; close season.—The close season for wild deer shall be from November sixteenth to September thirtieth, both inclusive. No person shall take more than two deer in an open season. No person shall take any wild deer between sunset and sunrise. An owner may retake alive, deer which have escaped from his possession. Deer may be taken alive at any time by the commission to restock the state's deer parks.

§ 2. This act shall take effect immediately.

Chap. 192.

AN ACT to amend section thirteen hundred and seventy-four of the Greater New York charter relative to the clerk of the board of justices of the municipal court.

Became a law, April 12, 1906, with the approval of the Governor. Passed.
three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen hundred and seventy-four of the Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 1374. The justices of said court shall constitute the board of justices of the municipal court and discharge the functions thereof. They may elect a president from their own number and at pleasure remove him and elect a successor. All meetings of said board shall be public and all proceedings shall be recorded in its books of minutes by its secretary and shall be preserved. Such board may designate a clerk of said court for one of said districts to act as secretary of said board, and from time to time substitute another and fix a compensation to be paid for such service, not exceeding the sum of one thousand dollars per annum. Such board shall establish public rules relative to its meetings, which as far as possible shall be held at regular times, to the keeping and preservation of its minutes and the appointment of clerks, assistant clerks, and other appointees, and to the public inspection of its minutes under the care of the secretary at reasonable times.

§ 2. This act shall take effect immediately.

Chap. 193.

AN ACT to amend chapter three hundred and seventy of the laws of eighteen hundred and ninety-seven, entitled "An act to revise, amend and consolidate the several acts relating to the village of Lancaster and to repeal all acts and parts of acts relating thereto."

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of title three of chapter three hundred and seventy of the laws of eighteen hundred and ninety-seven, entitled "An act to revise, amend and consolidate the several acts relating to the village of Lancaster and to repeal all acts and parts of acts relating thereto," is hereby amended so as to read as follows:

§ 7. **Inspectors of election, canvass and declaration of result.**—The trustees shall be inspectors of election in and for said village and in case no trustee shall be present at the time appointed for the polls to be open, the electors of said village present, may by viva voce vote, elect two inspectors to preside; and in case a majority of said trustees shall not be present, said electors may in like manner elect an inspector to preside with the trustee or trustees who shall be present. The said inspectors are authorized to preserve order and to judge of the qualification of electors. The said inspectors immediately upon the closing of the polls of each annual election, shall proceed to canvass the votes cast thereat, and shall complete such canvass without adjournment; they shall make out in writing a certificate which shall be signed by them setting forth the holding of the election, the total number of votes cast for each office, the number of votes cast for each person for such office, the total number of votes cast upon each proposition voted upon, and the number of votes cast for and against it, and said certificate shall be forthwith filed in the office of the clerk of said village. Within twenty-four hours after the close of such election, the board of trustees shall be convened as a board of canvassers and the village clerk shall produce at such meeting the return of the inspectors of election, and the board of trustees shall canvass such returns so filed and make

and file in the office of the village clerk a certificate declaring the result of the votes cast for such persons and the result upon any proposition voted upon at such election. Such canvass shall be reduced to writing, signed by a majority of said trustees and filed and recorded by the clerk of said village in the village records. The person eligible and receiving the highest number of votes for an office shall be elected thereto. If two or more persons receive an equal and the greatest number of votes for the same office, the board of trustees shall within thirty days after such election call a special election to fill such office in the manner provided for the annual election. Any office shall be deemed vacant for the purpose of choosing a successor to the person holding such office, in the manner herein provided, which shall not have been, or which shall not be, filled at any annual election by reason of the tie vote therefor or otherwise.

§ 2. This act shall take effect immediately.

Chap. 194.

AN ACT to amend chapter one hundred and forty-two of the laws of nineteen hundred and five, entitled "An act to revise the charter of the city of Corning" generally.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections twenty-seven, thirty-nine and one hundred and one of chapter one hundred and forty-two of the laws of nineteen hundred and five, entitled "An act to revise the charter of the city of Corning," are hereby respectively amended to read as follows:

§ 27. A quorum shall consist of a majority of the common council. No tax or assessment shall be ordered nor any appointment to office made, except by concurring vote of a majority of all members of the common council in office; and no tax levy, assessment, order, resolution or ordinance shall take effect until after the same shall have been approved in writing by the mayor, except as herein otherwise provided.

§ 39. 1. The chamberlain shall receive, keep safely and disburse all moneys belonging to the city. He shall also be the custodian of all securities, obligations and other evidences of debt belonging to the city. Suitable books shall be provided by the city for his use, in which he shall enter daily all his receipts and payments, in such manner as to exhibit the several amounts paid by him or to him under each class of purposes for which money shall be raised by tax in said city, with the name of each person, by, to or from whom and on what account the same shall have been paid. He shall, from time to time and at such times and manner as the common council shall direct, deposit said moneys in such bank or banks as shall be approved by the common council of the city of Corning.

2. The common council shall, by resolution to be recorded in its minutes, authorize the payment of all moneys to be paid out of the treasury, belonging to the city, and no such moneys shall be paid out of the treasury except in pursuance of a resolution of the common council authorizing the same, and upon a warrant signed by the mayor and countersigned by the clerk, which warrant shall be numbered and shall specify for what purpose the amount stated therein is to be paid, and to what fund it is chargeable.

3. He shall possess all the powers and perform all the duties heretofore possessed and performed in the village of Corning by the collector of the town of Corning and by the collector of the village of Corning, and by the collectors of the school districts numbers nine and thirteen, except as herein otherwise provided. It shall be his duty personally to collect and receive at his office, all taxes and assessments laid upon the city, and upon such school districts, and to retain there and not elsewhere possession of all warrants and assessment-rolls which from time to time shall be delivered to him for collection. He shall keep his office open and attend at the same on such days and during such hours as the common council may from time to time direct.

4. He shall, annually and at such other times as the common council may require, present to it and file with the clerk a detailed written statement of all of his receipts and payments of money belonging to the city since the date of his last annual report, and of the financial condition of the treasury, which statement shall contain the number of each warrant upon which the name of each person to or for whom a payment shall be made

by him, and the purpose of each payment. The common council shall cause every such annual report to be published in the official newspaper or newspapers.

5. He shall settle annually with the treasurer of Steuben county for all state and county taxes received by him, in the manner and within the time required by law of town collectors. He shall have his office in such convenient place in said city as the common council shall designate.

6. It shall be the duty of the common council, not more than ten days before December thirty-first in each year, to audit the chamberlain's accounts and to settle with him for all moneys received by him during the preceding year belonging to the city.

7. All fee and interest money received by the chamberlain of the city of Corning, on account of collections made by virtue of any tax warrant or otherwise, shall be credited to the board of public work's fund.

8. He shall receive an annual salary of eight hundred and fifty dollars in full for his services as city chamberlain under this act, to be paid him in monthly instalments.

§ 101. The justice of the peace shall have, possess and execute the powers now possessed by justices of the peace of towns under existing laws, and shall be subject to the duties now imposed by existing laws upon justices of the peace of towns, except that within the city of Corning the city court and judge shall have exclusive jurisdiction as against such justice in all matters and proceedings of which said city court and judge have jurisdiction; and the process, pleadings, practice, fees, costs, judgments, and all proceedings thereon shall be the same as in justice courts in towns. Said justice shall also have jurisdiction in cases where either or both of the parties reside in any of the towns of Steuben county adjoining the town of Corning. The justice of the peace shall be entitled to demand and receive for his own use in all actions and proceedings before him, the fees prescribed by law for justices of the peace.

§ 2. Such chapter is hereby amended by adding thereto after section one hundred and seventeen a new section to be known as section one hundred and seventeen-a, and to read as follows:

§ 117-a. The common council, at the time any general city tax is ordered, may provide that the owners of any real property against which a tax or charge has been made for the construction of a curb, gutter or permanent sidewalk, pursuant to the provisions of section one hundred and twenty-four of this act,

and which remains due and unpaid, may have the privilege of paying said tax or charge in not exceeding five annual instalments, upon their filing with the city clerk within ten days thereafter, their election and agreement to pay the said tax or charge in that manner, with interest thereon at six per centum per annum, payable annually; and every tax or charge for which such agreement shall be filed, shall be collected in such instalments, with annual interest thereon, at the time and in the manner provided for the payment and collection of general city taxes. Every instalment, with accrued interest, shall be lien upon the real estate against which the same shall be charged. For the purpose of anticipating the payment of such instalments, the common council may issue bonds of the city for such part thereof, payable at such respective times, not exceeding five years, with interest not exceeding six per centum per annum, as it may deem advisable. Said bonds shall be signed by the mayor and city clerk and sold for cash at not less than par, to the highest bidder and the fund derived from the collection of said instalments, as they become due, shall be applied to the liquidation of said bonds.

§ 3. Section one hundred and forty of such chapter is hereby amended to read as follows:

§ 140. The purchase of all necessary supplies, and equipment and all necessary repairs, where the amount expended shall exceed fifty dollars, shall be done by contract unless the board of fire commissioners shall deem it to be for the interest of the city that such repairs shall be done by the board by its employees. All such contracts shall be executed by such board, by its president, in the name and in the behalf of the city of Corning. The said board may, if it deem best, advertise for bidders for furnishing such equipment or supplies or the making of such repairs, and in such case the contract for the furnishing of such equipment or supplies or the making of such repairs shall be let to the lowest responsible bidder for the same, unless the said board shall deem it for the best interest of the city to reject all bids made. If, from any cause, it shall become necessary to procure or order any supplies, apparatus, or repairs other than those contracted for as above provided, and the expense of which at any one time, in the case of supplies, shall not exceed twenty-five dollars, it shall be only on a written order of a member of the board who has authority to act in the matter. It shall be countersigned by the clerk, a copy of which must be kept by the clerk in his office; and no claims for any such supplies or repairs so

furnished or made shall be audited by the board, unless the same shall be accompanied with such order.

§ 4. Such chapter is hereby amended by adding thereto after section one hundred and forty-four, a new section, to be section one hundred and forty-four-a thereof, and to read as follows:

§ 144-a. The chamberlain of the city of Corning shall credit all moneys paid to him, by virtue of sections one hundred and thirty-three, one hundred and thirty-four and one hundred and thirty-five of the insurance law, to the fire department fund of said city and the same shall be paid out, in the discretion of the board of fire commissioners, for the support of the Corning fire department.

§ 5. Section one hundred and forty-seven of such chapter is hereby amended to read as follows:

§ 147. The board shall in the month of December in each year, make out and present to the common council of said city a report stating in detail the receipts and expenditures of the board and on what accounts such expenditures were made; the amount and kind of property in the different buildings under charge of the board, the number and names of the officers, employees and firemen in the department, their respective positions and the compensation paid them; the number of fires and fire alarms occurring in said city during the previous year; the causes of such fires, the losses incurred thereby and setting forth such other information and such recommendations as the board shall deem proper and important, or as the common council may request.

§ 6. This act shall take effect immediately.

Chap. 195.

AN ACT to establish and maintain a water department in and for the city of Corning.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Within thirty days after this act shall become a law the mayor of the city of Corning shall appoint subject to confirmation by the common council of the said city, and for a

term ending December thirty-first, nineteen hundred and eleven, four water commissioners, who, with the mayor, shall be known as the board of water commissioners of the city of Corning. The commissioners so appointed shall be electors and taxpayers of the said city and no more than two of the said appointed commissioners shall belong to the same political party. The mayor of said city shall ex officio be a member and the president of the said board of water commissioners. No commissioner shall receive compensation for his services as such commissioner. No other city office shall be held by any appointed water commissioner while he remains in office as such commissioner and any commissioner may at any time be suspended or removed from office in the manner provided by the charter of the city of Corning for the removal or suspension of its officers. In case of a vacancy from any cause the mayor shall appoint, subject to confirmation by the common council, a commissioner for the unexpired term. The office of water commissioner under this act shall become vacant by the death, resignation, removal from said city, election or appointment to any other city office, refusal or neglect for three consecutive months to perform the duties of his office without being excused by vote of the board, of any commissioner, or if he shall become of unsound mind. Resignation shall be made in writing to the mayor of said city.

§ 2. The several persons so appointed and qualified and their successors in office are hereby constituted a body corporate by name, the board of water commissioners of the city of Corning, and by that name may sue, be sued, and have and adopt a corporate seal.

§ 3. Within fifteen days after the appointment of the said four commissioners they shall respectively take and file the constitutional oath of office. Each of said commissioners before entering upon the discharge of his duties shall execute a bond to the city of Corning with such surety or sureties and in such form and amount as the common council of the city may prescribe, which bond shall be approved by the common council and filed in the office of the clerk of the city of Corning. The expense of procuring such bonds shall be paid by the city of Corning from the water fund hereinafter provided; and as soon thereafter as the same can be conveniently done the said board shall elect a secretary and a treasurer which offices may be combined in one person in the discretion of the commission, and shall prescribe the form and amount of the bond, required to be given by the

said treasurer, to the city of Corning, with such surety or sureties as the commissioners shall by resolution, direct and approve.

§ 4. The said water commissioners are hereby authorized and directed to take charge of all of the plant, water rights, land, pipes, mains, reservoirs, hydrants and other property essential and appurtenant to the present water system in the city of Corning, and the same is hereby vested in the said board of water commissioners for the purpose in this act mentioned. The said water commissioners are further authorized and directed to enlarge, extend and improve the present system of water-works as they shall deem necessary and wise, and for that purpose may employ engineers, surveyors, superintendents, officers, agents and such other persons as may be necessary, and fix the compensation and term of employment, and discharge them at will. The said water commissioners are hereby further authorized to acquire, in the name of the city of Corning, by purchase or condemnation proceedings, any further lands, water rights or rights of way or any other property wheresoever situated which it shall deem necessary, in order to supply wholesome water for the use of the city of Corning, and to contract for such property, and to construct such works as may be required for that purpose.

§ 5. Title one of chapter twenty-three of the code of civil procedure shall govern and be applicable in all proceedings taken under this act for the condemnation of property where the same is not inconsistent with the provision of this act.

§ 6. A majority of all the commissioners in office, exclusive of the mayor, shall be requisite to constitute a quorum for the transaction of business. A formal notice of the time and place of meeting and the purpose thereof shall be given to each commissioner personally a reasonable time before any meeting or by notice mailed to his address at least twenty-four hours prior to such meeting. Said water commissioners shall have power to make all contracts necessary or incidental to the execution of the powers conferred by this act. Contracts shall be let to the lowest responsible bidder who shall furnish such security for faithful performance as shall be approved by the board, but the board may reject any and all bids in its discretion, and cause any such work to be done by its employees. A copy of each proposal received and every contract entered into with the board shall be filed with the secretary. All proposals for contracts for work or material, or either of them requiring an expenditure of more than five hundred dollars except in case of absolute necessity, or

except for the employment of agents, engineers, or other employees of the board, shall be sealed and shall be opened only in the presence of the board. No obligation shall be incurred or money expended, or issue of bonds requested by the board of water commissioners under this act, except by resolution duly passed by a majority of the members of the board. In every case the vote shall be taken by yeas and nays, and every such resolution and the vote thereon shall be recorded in full in the minutes of the board.

§ 7. No member of the board, or any of its officers, or any officer of the city of Corning shall be directly or indirectly interested in any work done or materials furnished under the authority or provisions of this act. Any violations of this provision shall be a misdemeanor.

§ 8. The board of water commissioners shall, after giving reasonable notice to the board of public works, have the right to enter, appropriate, occupy and use any public street, highway, square, avenue, road, park, or other public grounds for the purpose of enlarging, extending, improving, maintaining, and operating water-works for supplying the city of Corning with water and for all other purposes of this act, but the board shall, without undue delay, in all cases restore said public street, highway, square, avenue, road, park and other public grounds to its former state of usefulness.

§ 9. Bonds of the city of Corning, not exceeding in the aggregate the sum of one hundred and fifty thousand dollars may be issued by the common council of the city of Corning for the purpose of carrying out the provisions of this act. The faith and credit of the city of Corning are hereby pledged for the payment of both principal and interest of any bonds issued under and in pursuance of this act. Whenever the board of water commissioners shall certify by resolution to the common council of the city the estimated amount needed and the purpose or purposes for which required it shall be the duty of the common council by resolution to cause bonds, to be known as water bonds of the city of Corning, for the amount so certified to be issued, from time to time, in the name of the city of Corning, which shall be executed by the mayor, under the corporate seal of the city, and countersigned by the city clerk. Said bonds shall be issued, with interest coupons, in such denominations and amounts as the common council shall deem expedient, with interest at the rate of not exceeding four per centum per annum, payable semi-annually.

Both principal and interest of said bonds shall be payable at a bank or banks or trust company in the city of New York to be specified in each bond and coupon and shall be so classified and issued, in accordance with the constitution of the state of New York, that they shall mature in, not to exceed twenty years from their respective dates of issue, and a sinking fund for their redemption, shall be created on the issuing of said bonds by raising annually a sum which shall produce an amount equal to the sum of the principal and interest of such bonds at their maturity. The sinking fund created by this act shall be in the custody of and under the control of the board of water commissioners who shall invest and reinvest the same in securities authorized by law for the investment of sinking funds of cities, including all obligations of the city of Corning. Said bonds shall not be sold at less than par and must be sold to the highest responsible bidder and in such way or manner and under such conditions as said water commissioners may deem best to obtain the highest price therefor. The proceeds of said bonds, or any of them, as soon as received shall be paid over to the treasurer of said board of water commissioners and credited to a fund which shall be known as the water fund account and the treasurer of the board shall immediately upon receipt of the same deposit such proceeds in such bank or banks or trust companies as shall be designated by resolution of the said board of water commissioners and shall be paid out only on warrants numbered consecutively as issued, signed by the mayor, or in his absence or disability by a commissioner, and countersigned by one of the other commissioners which warrants shall be issued as fast as necessary for the purposes aforesaid. No order or warrant for the payment of any of such moneys shall be issued except upon resolution of the board, entered upon its minutes, and certified copies of such resolutions shall be filed with the treasurer of the board. The voucher or other paper on account of which said order is issued shall be filed with the said board and shall bear a number corresponding with that on the warrant issued thereon.

§ 10. The proceeds of all bonds issued under the provisions of this act shall be used and applied by the board of water commissioners solely to the payment of the cost of enlargement, extension and improvement of the system of water-works herein provided for and for the purposes of acquiring property rights, privileges, franchises and materials therefor and to be used in connection therewith.

§ 11. The amount derived from receipts from all sources, as hereinafter provided, shall, so far as necessary, be applied to the payment of operating expenses of the water-works, and to the payment of the principal and interest falling due on said bonds; and in any year when said amount shall be insufficient for that purpose, the common council of said city shall make due provision by tax, for the payment of the deficiency, and such deficiency shall be assessed, levied, and raised in the same manner as any other general tax of said city, and in addition to, and in connection with, the general taxes of said city.

§ 12. The board of water commissioners shall from time to time fix and determine the water rates to be paid by all consumers of water including a just annual rate to be paid by the city at large for the use of water for municipal purposes. The said commissioners shall collect at least quarterly the established water rentals for water supplied from said water system for all uses and shall have a right of action to recover the same. The amount of such charges for water supply shall be a lien upon the premises for which such supply is furnished and may be enforced as a city tax, after default in payment for thirty days after due notice, together with interest at the rate of one per centum per month. All moneys and income which shall be received by the board for water shall be deposited to the credit of the water fund account in the bank or banks or trust companies designated by said board and shall be paid out only as herein provided.

§ 13. The said board of water commissioners shall make, publish and enforce all needful rules and regulations in relation to the water-works, and all of the property and appliances pertaining thereto, and in relation to the management thereof and the supply of water thereby, whether to corporations or individuals, and may alter and modify the same from time to time, and may fix a penalty not exceeding fifty dollars for the violation of any of said rules and regulations. The common council may aid such enforcement by ordinance. The said board may prosecute in the name of said board for all violations of said rules, regulations and ordinances.

§ 14. The moneys derived from the penalties and water rates provided for in this act shall be paid over to the treasurer, by him to be immediately deposited in the bank or banks or trust companies designated by said board to the credit of the water fund account and shall be applied, as provided in section eleven of this act.

§ 15. Any judgment recovered against the said board or against the said commissioners in their name of office or against them or any of them personally, where the transaction for which such action is brought shall have been in the performance of their duties as such commissioners or in connection therewith, shall not be enforced against the individual property of any of said commissioners but shall be deemed a judgment against the said city for the purpose of enforcing payment thereof, and shall be paid from such water fund. It shall be the duty of said board to give immediate notice to the common council of any action brought against the said commissioners.

§ 16. The board of water commissioners shall keep books showing the cost of the enlargement, extension and improvement of the said water-works, and of all its collections, receipts, expenditures, proceedings and doings and shall make a report thereof to the common council at the last regular meeting in the month of December in each year, and as much oftener as the common council may require, and shall furnish at all times such other and further information as to the business and affairs of the board as may be required by the common council. All of the books, records, vouchers, contracts and all other papers kept by the board of water commissioners, or in its possession, or under its control, shall at all reasonable times, be subject to inspection by any member or duly authorized agent of the common council of the city of Corning.

§ 17. The clerk of the city of Corning is hereby authorized and directed to deliver to the board of water commissioners certified copies of all resolutions, acts, and ordinances passed by the common council pursuant to the provisions of this act, or in any way relating to the board of water commissioners or the system of water-works herein provided for. The said treasurer is hereby authorized and directed to prepare, and at all times to keep a book or books, in which shall be entered a record of all moneys received and deposited in bank or banks or trust companies and all money paid out or orders or warrants countersigned by him, and shall also keep on file all resolutions, instruments and other papers received by him, and a record of all acts and things required to be done by said treasurer under the provisions of this act.

§ 18. The board of water commissioners shall fix the compensation to be paid by it to the secretary and treasurer for the services to be performed by them under the provisions of this act.

and may, from time to time, change the compensation of such officers, or either of them, but such compensation shall not be increased or diminished during the term of office for which such secretary or treasurer may be appointed.

§ 19. Upon and after the term of office of the said Corning water commissioners the said board shall cease and all of its powers and duties shall be vested in the board of public works of said city of Corning, together with the control of all property real and personal under the charge of the said board of water commissioners, and the board of public works shall have and exercise all of the powers and duties of the board of water commissioners as provided by this act and any amendment thereto.

§ 20. Any wilful act whereby the said water-works or any property, apparatus or appliances pertaining thereto shall be injured or the supply of water obstructed, impaired or made less pure, shall be deemed a misdemeanor and the person or persons convicted thereof shall be punished accordingly.

§ 21. This act shall take effect immediately.

Chap. 196.

AN ACT to authorize the city of Troy to borrow money and to provide for the payment of the same.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Troy, New York, may from time to time borrow not to exceed in the aggregate two hundred thousand dollars with which to pay the floating indebtedness of said city incurred prior to the first day of January, nineteen hundred and six, and interest thereon.

§ 2. To secure the payment of said sums borrowed, with interest thereon, said city is hereby authorized to issue from time to time bonds duly sealed and signed in the name of said city by the mayor and treasurer and countersigned by the comptroller. Each issue of bonds shall be a funded debt of the city and shall be issued in such amounts and shall fall due at such times that the principal of the same shall be fully paid in twenty

equal annual payments, the last of which shall become due at the end of twenty years after its issue. Said bonds shall bear interest at a rate not to exceed four per centum per annum. Provision shall be made for the payment of the bonds in the year in which each shall be due by insertion of the proper sum in the annual estimates for the year in question. Said bonds shall be advertised for sale and sold by the comptroller as required by law.

§ 3. The board of contract and supply of said city shall determine, audit and order paid all claims against said city of every name and nature existing prior to January first, nineteen hundred and six, which form a part of said floating indebtedness and thereupon shall order the execution, sale and delivery from time to time as said claims are determined and audited, of bonds sufficient to pay the same, and said claims shall be paid out of the proceeds arising from the sale of said bonds.

§ 4. This act shall take effect immediately.

Chap. 197.

AN ACT authorizing the city of Troy to borrow not to exceed two hundred thousand dollars for the water-works department of said city and to use for general purposes in the water-works department a portion of the proceeds of the sale of bonds dated September first, nineteen hundred and five, issued under chapter five hundred and seventy-six, laws of eighteen hundred and ninety-three, and amendatory acts.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Troy is hereby empowered to borrow from time to time, sums of money as needed, not to exceed in the aggregate two hundred thousand dollars in all, to be paid over to the treasurer of the city of Troy and by him to be placed to the credit of the water-works department to be drawn upon by the commissioner of public works by drafts or warrants to be countersigned by the comptroller of the city. Said sums so borrowed

shall be used to pay all deficiencies in the water-works department and to pay all debts, claims, liabilities, bonded or otherwise, owing by the city of Troy, now due or hereafter to become due or hereafter contracted, arising out of either the construction or extension or maintenance of the water-works of the city of Troy, together with any and all interest on claims or bonds against the city of Troy contracted or issued for the benefit of said department. No claim shall be paid until it shall have been presented to, audited and allowed by the board of contract and supply.

§ 2. To secure the payment of said sums borrowed with interest thereon, said city is hereby authorized to issue from time to time bonds duly sealed and signed in the name of said city by the mayor and treasurer and countersigned by the comptroller. Each issue of bonds shall be issued in such amounts and shall fall due at such times that the principal of the same shall be fully paid in twenty equal annual payments, the last of which shall become due at the end of twenty years after its issue. Said bonds shall bear interest at a rate not to exceed four per centum per annum. Said bonds shall be known as "deficiency water-works bonds of the city of Troy, series of nineteen hundred and six." Said bonds shall be advertised for sale and sold by the comptroller as required by law.

§ 3. A sinking fund shall be created on the issuing of said bonds for their redemption by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. The water rents and rates hereafter fixed must be at such amounts as will produce said sinking fund in addition to the sinking funds for other bond issues heretofore provided for and established as required by law.

§ 4. If from the proceeds realized from the sale of one hundred and eighty-one thousand five hundred dollars "additional water-works bonds of the city of Troy" heretofore issued dated September first, nineteen hundred and five, under chapter five hundred and seventy-six of the laws of eighteen hundred and ninety-three and the amendments thereto, there remain a balance not needed during the year nineteen hundred and six for any of the purposes connected with the water-works extension of the city of Troy mentioned in said act, then it shall be lawful for the city of Troy to use said balance of the proceeds of said sale for the purposes for which said city is authorized to borrow under section one of this act.

§ 5. This act shall take effect immediately.

Chap. 198.

AN ACT to incorporate the American Baptist Publication Society.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The American Baptist Publication Society, incorporated by the laws of the state of Pennsylvania, in the year eighteen hundred and forty-five, for the purpose and object of promoting evangelical religion by the means of the bible, the printing press, colportage, Sunday schools and other appropriate ways, is hereby incorporated as the American Baptist Publication Society.

§ 2. The said corporation shall have power to hold, purchase and convey such real estate as the purposes of the society shall require, but the annual income of such real estate held by it at any one time, within the state of New York, shall not exceed the sum of one hundred thousand dollars. And it may sell and convey the same without leave of court.

§ 3. The said corporation shall have power to receive, hold, take by donation, deed or devise, any real or personal property which has been, or may hereafter be given, granted or devised to it by any person whomsoever for the purpose stated in section one, and to receive, accumulate and hold in trust, endowment or other funds and make investment thereof wherever it seems most advisable, and the said corporation shall also be competent to act as trustee in respect to any devise or bequest pertaining to the object of its incorporation, and devises and bequests of real or personal property may be directly made to said corporation, or in trust for any of the purposes comprehended in the general objects of said society, subject, however, to the limitations expressed in section two of this act as to the aggregate amount of such real estate, and subject also in receiving bequests from persons in the state of New York to the provisions of chapter three hundred and sixty of the laws of eighteen hundred and sixty, entitled "An act in relation to wills."

§ 4. This act shall take effect immediately.

Chap. 199.

AN ACT to amend the forest, fish and game law, in relation to actions for penalties by the people.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and eighty-five of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter two hundred and eighty-five, laws of nineteen hundred and five, is hereby amended to read as follows:

§ 185. **Actions for penalties by the people.**—Actions for penalties for a violation of the forest, fish and game provisions of this act shall be in the name of the people of the state of New York; and must be brought on the order of the commissioner. The forest, fish and game commissioner may employ necessary counsel in the office of the forest, fish and game commission, and may likewise designate and appoint an attorney or attorneys to represent the department in the prosecution or defense of any action or proceeding brought under the provisions of the forest, fish and game law. They shall be paid by the state treasurer on the warrant of the comptroller such compensation as shall be agreed upon by the forest, fish and game commissioner. Such actions may be discontinued by order of the court on the application of the commissioner upon such terms as the court may direct. Such actions if in justices' courts, may be brought in any town of the county in which the penalty is incurred or of the county in which the defendant resides.

§ 2. This act shall take effect immediately.

Chap. 200.

AN ACT to amend chapter five hundred and sixty-two of the laws of nineteen hundred and five, entitled "An act to provide for the taxation for school purposes of the lands owned by the state and situate within the boundaries of union free school district number two of the town of Wawarsing, Ulster county," relative to the assessment and payment of taxes.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter five hundred and sixty-two of the laws of nineteen hundred and five, entitled "An act to provide for the taxation for school purposes of the lands owned by the state and situate within the boundaries of union free school district number two of the town of Wawarsing, Ulster county," is hereby amended to read as follows:

§ 1. The local school authorities of union free school district number two of the town of Wawarsing, Ulster county, shall hereafter assess the lands owned by the state of New York and situate within the boundaries of said district, exclusive of the improvements, if any, erected thereon by the state, at the same valuation as similar lands of individuals in said district are assessed and the comptroller shall hereafter credit to the treasurer of Ulster county the amount of taxes levied upon the lands of the state therein for school purposes from taxes payable by said county treasurer each year to the state for state taxes levied and assessed upon the taxable property of the town of Wawarsing, and upon the adjustment of such taxes so made, the treasurer of the county of Ulster shall pay to the collector of taxes of said school district the amount of such taxes as allowed and so paid by the state; provided, however, that after a tax has been voted by a district meeting and the trustees have made the assessment and their tax list therefor, such trustees shall, immediately, file in the office of the comptroller a duly verified copy of such tax list, which in addition to the other matter now required by law shall state which and how much, if any, of the lands assessed are forest lands and which and how much, if any, are lands belonging to the state. The comptroller shall, within thirty days after the receipt of such list, and after

hearing the trustees, if they or any of them so desire, correct or reduce any assessment of state lands which may be in his judgment an unfair proportion to the remaining assessment of land within the district, and shall in other respects approve the assessment and communicate such approval to the trustees. No such assessment of state lands shall be valid for any purpose until the amount of assessment is approved by the comptroller.

§ 2. This act shall take effect immediately.

Chap. 201.

AN ACT to amend the military code, relative to miscellaneous provisions.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section. 1. Section one hundred and eighty-one of chapter two hundred and twelve of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to the militia, constituting chapter sixteen of the general laws," is hereby amended to read as follows:

§ 181. **Bands.**—The commanding officer of a regiment, or battalion or squadron not part of a regiment, may organize and uniform, at the expense of his command, a band of musicians to be under his direction and command, who, while on duty, shall be subject to all the laws and regulations for the government of the national guard and naval militia, except that they shall not be mustered in as prescribed for enlisted men, and shall not be counted in the aggregate force, and such commanding officer may disband such band, whether now or hereafter established, and revoke the warrant of the bandmaster. But upon the application of the commanding officer of a regiment, of a battalion not part of a regiment, or of a squadron, the governor may authorize the formation of a band, as a separate body, to consist of men duly enlisted as bandsmen, who shall rank as privates, but who shall serve without pay, except on such occasions as the other enlisted men of the regiment, battalion or squadron, shall receive pay, when the enlisted bandsmen shall be paid at the same rate as other

enlisted men of their respective grades. The commanding officer of the organization of which such enlisted band is a part, may appoint and warrant in such band one quartermaster-sergeant, one sergeant and two corporals. The maximum strength of an enlisted band shall be sixty for a regiment and thirty for a battalion or squadron.

§ 2. This act shall take effect immediately.

Chap. 202.

AN ACT to amend chapter five hundred and forty-eight of the laws of nineteen hundred and five, entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of purchasing school lots and erecting, completing and enlarging school buildings."

Became a law, April 12, 1906, with the approval of the Governor. Passed. three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one, chapter five hundred and forty-eight of the laws of nineteen hundred and five, entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of purchasing school lots and erecting, completing and enlarging school buildings," is hereby amended to read as follows:

§ 1. It shall be lawful for the city of Buffalo to issue its bonds in the sum of six hundred thousand dollars for the purpose of raising money to purchase school lots and erect, complete and enlarge school buildings; such bonds to bear interest at a rate not exceeding three and one-half per centum per annum, payable semi-annually at the office of the comptroller of the city of Buffalo or at the Gallatin national bank in the city of New York, as the purchaser may elect, the principal to be payable at the same place at the end of a term of twenty years from date of issue. Such bonds to be issued from time to time, as may be ordered by the common council, by the mayor and comptroller, under the city seal, and such bonds shall be sold or awarded as provided in section four hundred and ninety-two of the charter of said city, being chapter one hundred and five of the laws of the state of New York

of year eighteen hundred and ninety-one. The common council shall make provision for the payment of interest on and the principal of said bonds as the same shall become due in the general fund estimates for said city.

§ 2. This act shall take effect immediately.

Chap. 203.

AN ACT to authorize the city of Buffalo to issue its bonds for the purpose of extending and improving the supply of water to the city and its inhabitants.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be lawful for the city of Buffalo to issue its bonds in the sum of two million five hundred thousand dollars for the purpose of raising money to construct, maintain, extend, repair and regulate the water works of said city. Such bonds shall be issued under the city seal by the mayor and comptroller from time to time as may be recommended by the commissioner of public works, ordered by the common council and approved by the mayor. They shall be sold or awarded as provided in paragraph four hundred and ninety-two of the charter. Such bonds to bear interest at a rate not exceeding three and one-half per centum per annum, payable semi-annually at the office of the comptroller of the city of Buffalo or at the Gallatin national bank of the city of New York, as the purchaser may elect, the principal to be payable at the same place at the end of a term of fifty years from date of issue; the right, however, is reserved by the common council of the city of Buffalo to repay at any time after the expiration of twenty years all or any part of these bonds. Said bonds to be paid from a fund to be known as the water bond sinking fund, to be created by an annual payment of eight hundred sixty and fifty one-hundredths dollars for each one hundred thousand dollars of bonds issued from the receipts of the sale of water to be inserted annually in the expenditures of the bureau of water and payable to the comptroller of the city of Buffalo, to be held

and invested and reinvested by the comptroller of the city of Buffalo to retire said bonds when due. The common council shall make provision for the payment of the interest on and the principal of said bonds as the same shall become due in the general fund estimates for said city.

§ 2. This act shall take effect immediately.

Chap. 204.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," as amended by chapter two hundred and two of the laws of nineteen hundred and one, relating to the salary of the commissioner of charities of said city.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twelve of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act to incorporate the city of Mount Vernon," as amended by chapter two hundred and two of the laws of nineteen hundred and one, is hereby further amended so as to read as follows:

§ 12. The appointive officers of the city shall be a commissioner of public works, a counsel to the corporation, a city clerk, three fire commissioners, one commissioner of charities whose salary shall be six hundred dollars per annum, one health officer whose salary shall be nine hundred dollars per annum, one constable for each ward, and one poundmaster whose salary shall be five hundred dollars per annum, all of whom shall be nominated, and with the consent of the common council, appointed by the mayor.

§ 2. This act shall take effect immediately.

Chap. 205.

AN ACT to incorporate the trustees of the William Croswell Doane fund for Christian work in the diocese of Albany.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. William C. Doane, bishop of the Protestant Episcopal church in the diocese of Albany, by virtue of his office and his successor and successors in office and the Right Reverend Richard Henry Nelson, doctor of divinity, of Albany, New York, the Reverend Walton W. Battershall, doctor of divinity, of Albany, New York, the Reverend Edgar A. Enos, doctor of divinity, of Troy, New York, Robert C. Pruyn of Albany, New York, George P. Hilton, of Albany, New York, and Hobart W. Thompson, of Troy, New York, and their successors, are hereby constituted a body corporate and politic, by the name and style of "The trustees of the William Croswell Doane fund for Christian work in the diocese of Albany," and by that name shall have perpetual succession, and be capable of suing and being sued, and of taking and holding in trust or otherwise, by purchase, gift, grant, devise or bequest (subject to all provisions of law relating to devises and bequests by last will and testament), any and all estate real and personal, necessary for any or all the purposes or objects of such incorporation; provided, however, that the net yearly income of the said estate shall not exceed the sum of one hundred thousand dollars; and the said corporation shall have all the powers and be subject to the provisions so far as the same may be applicable thereto and consistent with this act, of title three, chapter eighteen of the first part of the revised statutes.

§ 2. The objects of the said corporation shall be the establishment, maintenance and management in the city of Albany of a school or schools, or other educational, religious or charitable works or institutions, with convenient buildings to be used in connection therewith; the same to be maintained and conducted in accordance with the doctrines, discipline and worship of the Protestant Episcopal church in the said diocese of Albany.

§ 3. The management and control of the property and affairs of the said corporation shall be vested in a board of seven trus-

tees, of whom the bishop for the time being, of the church in the said diocese, who shall be in the full and actual exercise of all the powers appertaining to his office shall ex officio be always one, and be also the president of the said board. Any three of the said trustees, together with the bishop, (if there be one capable of acting), shall constitute a quorum. The said persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies which shall occur in their number (with the exception of a vacancy in the office of the said bishop), shall be filled by election by the diocesan convention of the Protestant Episcopal church of the diocese of Albany in the state of New York.

§ 4. The said trustees may accept gifts by will or otherwise, of real or personal estate, for any of the purposes specified in the second section of this act, and on such terms, conditions and restrictions as the donors may prescribe, and shall have full power to apply and dispose of the same in any way not inconsistent with the terms of such gift.

§ 5. The said trustees shall report annually to the diocesan convention of the said church.

§ 6. This act shall take effect immediately.

Chap. 206.

AN ACT to amend the forest, fish and game law in relation to the office and clerical force, game protectors and forestry department.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fifty-four of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter three hundred and twenty-six of the laws of nineteen hundred and one and chapter two hundred and eighty-five of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 154. **Office and clerical force.**—The commission shall have an office in the capitol at Albany, and may lease an office in the bor-

ough of Manhattan or in the borough of Brooklyn for the sale or lease of lands under water, as provided by law. The commissioner may appoint a secretary, and a superintendent of forests and fix their compensation. The superintendent of forests shall, subject to the direction of the commissioner, have general supervision of the forest preserve and the forestry interests of the state, and who shall enforce all laws and regulations for the protection and preservation of the forest preserve, and public parks described in this act; and such other clerical assistants as are actually needed.

§ 2. Section one hundred and seventy-two of said chapter as amended by chapter seven hundred and ten of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 172. Compensation of game protectors.—The chief game protector shall receive an annual salary of two thousand dollars a year and his actual and necessary traveling expenses while in the discharge of his official duties, not exceeding one thousand dollars a year. Any chief game protector, who has served as such for upward of five years may by order of the commissioner receive a salary of two thousand five hundred dollars. The first assistant chief protector shall receive one thousand four hundred dollars a year and during such time as he shall be required by the commissioner to reside constantly in Albany he shall receive an additional salary at the rate of fifty dollars per month together with his necessary traveling and incidental expenses while absent from the city of Albany in the discharge of his official duties. The second and third assistant chief protectors shall each receive twelve hundred dollars a year and their necessary traveling and incidental expenses while in the discharge of their official duties not exceeding seven hundred and fifty dollars a year. Each state oyster protector shall receive one thousand dollars a year and his actual and necessary traveling and incidental expenses while in the discharge of his official duty not exceeding seven hundred and fifty dollars a year; the assistant oyster protector shall, when actually employed, receive two dollars and a half a day and his actual and necessary traveling and incidental expenses while in the discharge of his official duty not exceeding five hundred dollars a year. Other protectors including the special assistant oyster protector, shall receive six hundred dollars a year and an allowance for expenses not exceeding four hundred and fifty dollars a year. Each of said protectors shall receive one-half of the

finer and penalties less the expenses of recovering the sum collected in actions brought upon information furnished by him.

§ 3. Section two hundred and twenty-four-a of said chapter as amended by section eight chapter two hundred and eighty-five of the laws of nineteen hundred and five is hereby amended to read as follows:

§ 224-a. Chief fire warden and foresters.—The commissioner shall appoint a chief fire warden who shall receive an annual salary of eighteen hundred dollars and his necessary traveling expenses and who shall have supervision of town fire wardens, visit and instruct them in their duties and enforce the law as to fire districts in towns and under the authority of the commissioner commence prosecution for violations of laws to prevent forest fires; and may from time to time employ expert foresters and a foreman of laborers all of whom shall hold office during the pleasure of the commissioner and perform such duties for the preservation of forests as the commissioner shall prescribe. The commissioner may also appoint five inspectors at least four of whom may during seasons of the year when forest fires occur, serve along line of steam railroads in the forest preserve counties of the Adirondacks. They shall inspect such railroads and the engines thereon reporting to the commissioner the condition thereof for the purposes of fire prevention, and perform such other duties in preventing forest fires and protecting the forest and in reforestation as the superintendent of forest or the commissioner shall direct. They shall also have the powers of game protectors, and shall each receive an annual salary of six hundred dollars and an allowance for expenses not exceeding four hundred and fifty dollars.

§ 4. This act shall take effect immediately.

Chap. 207.

AN ACT to amend the Greater New York charter, relative to the power of the department of taxes and assessments to add certain property and names to the assessment rolls.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by inserting therein a new section to be section eight hundred and ninety-four-a thereof, and to read as follows:

§ 894-a. So long as the books of annual record of the assessed valuation of real and personal estate of the several boroughs remain open for public inspection, examination and correction, the board of taxes and assessments, after giving at least ten days prior personal notice to the party in interest, may add to the rolls of assessment of such annual record any real estate, or the name of the owner of any personal estate, and also the assessed valuation of any such real or personal estate that may have been omitted from such rolls on the day of the opening of such books.

§ 2. This act shall take effect immediately.

Chap. 208.

AN ACT to authorize the board of estimate and apportionment in the city of New York to issue corporate stock of the city for arrears of uncollectible taxes.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of the city of New York shall on or before the first day of October, nineteen hundred and six, authorize corporate stock of the city of New

York to be issued to an amount equal to so much of the deficiency, on the first day of January, nineteen hundred and five, in the product of taxes theretofore levied and deemed by the board to be uncollectible, as shall not have been provided for in prior tax levies or by the issue of corporate stock of the city of New York. Such corporate stock shall be authorized to be issued by the board of estimate and apportionment without the concurrence or approval of any other board or public body.

§ 2. This act shall take effect immediately.

Chap. 209.

AN ACT to amend the Greater New York charter, in relation to the levying of taxes to provide for the deficiency in the actual product of taxes theretofore levied.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and forty-eight of the Greater New York charter as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 248. **Deficiencies; amount of to be included in annual estimate.**—The board of estimate and apportionment shall, in addition to such other amounts as it is required by law to provide and as in its discretion it provides for public purposes in the City of New York and the several counties wholly contained in its territorial limits, annually include in its final estimate the following sum, which shall annually be raised and appropriated: A sum equal to so much of the deficiency, on the preceding first day of January, in the product of taxes theretofore levied and deemed by the board to be uncollectible, as shall not have been provided for in prior tax levies or by the issue of corporate stock of the City of New York, or by such corporate stock duly authorized by said board to be issued.

§ 2. Section one hundred and sixty-nine of the Greater New York charter as reenacted and amended by chapter four hundred and sixty-six of the laws of nineteen hundred and one and as

amended by chapter five hundred and sixty-three of the laws of nineteen hundred and two, chapter one hundred and three of the laws of nineteen hundred and three, and chapter six hundred and thirty-nine of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 169. All bonds issued by the City of New York on and after January first, eighteen hundred and ninety-eight, in pursuance of laws already passed or which may hereafter be passed, or in pursuance of the provisions of this act, excepting assessment bonds and revenue bonds, shall be known as "corporate stock of the City of New York." For the redemption and payment of said corporate stock and the interest thereon, the faith and credit of the City of New York shall be and is hereby pledged. Such corporate stock shall be in such form as may be designated by the comptroller, and shall be signed by the said comptroller and the mayor of the City of New York, and sealed with the common seal of the City of New York, and attested by the city clerk. Such corporate stock shall be in coupon form in sums not less than five hundred dollars each share, or shall be registered, and shall be conditioned to be paid in gold coin, or in the legal currency of the United States, at the option of the commissioners of the sinking fund and shall be made redeemable at a period of not less than ten, nor more than fifty years from the date thereof. Such corporate stock and all assessment bonds and revenue bonds, as well as all bonds hereafter to be issued by the City of New York, by virtue of this act or of any other act, whether general or special, shall be free and exempt from all taxation, except for state purposes. The interest on such corporate stock and on all other bonds of the corporation, except revenue bonds, shall not exceed four per centum per annum, and shall be made payable quarterly or semi-annually, in the City of New York, or at such other place as may be fixed by the said comptroller at the time of issue of said stock or bonds; provided, however, that the interest on revenue bonds, issued in anticipation of the collection of taxes may be made payable at the date of the maturity thereof. Such corporate stock may be authorized to be issued by the board of estimate and apportionment without the concurrence or approval of any other board or public body for the following purposes, and within the following limitations: 1. For the purposes specified in section one hundred and seventy of this act; 2. For the purposes specified in section one hundred and seventy-four of this act; 3. For the purposes specified in section one hundred and

seventy-six of this act; 4. For the purposes specified in section one hundred and eighty-four of this act; 5. For the purposes specified in section two hundred and thirty-five of this act; 6. For the purposes specified in section four hundred and twenty-two of this act; 7. For the purposes specified in section one hundred and seventy-eight of this act, to an amount not exceeding two million dollars in any one calendar year; 8. To pay the awards, costs, charges and expenses of acquiring title to lands required for public purposes and which have been or may hereafter be authorized by or pursuant to law; 9. For constructing and equipping school buildings and acquiring sites therefor to an amount not exceeding three million five hundred thousand dollars, in any one calendar year; 10. For the repaving of streets to an amount not exceeding three million dollars, in any one calendar year; 11. For the improvement of parks, parkways and drives, to an amount not exceeding five hundred thousand dollars in any one calendar year. Corporate stock to be issued for purposes other than those hereinbefore in this section specifically enumerated, or for such purposes in excess of the amounts therein specified, shall be authorized by the board of aldermen, with the approval of the board of estimate and apportionment as provided by section forty-seven of this act; provided, however, that wherever by existing provisions of law the commissioners of the sinking fund may be specifically authorized to provide for the issue of stocks or bonds, said authorization of the comptroller shall be made by said commissioners instead of said board of estimate and apportionment; and that nothing in this section contained shall effect the provisions of sections one hundred and eighty and two hundred and thirteen of this act; provided, however, that nothing in this section shall prevent the issue of general fund bonds in the manner provided by section two hundred and twenty-two of this act.

§ 3. This act shall take effect October first, nineteen hundred and six.

Chap. 210.

AN ACT to authorize the comptroller of the city of New York to examine and pay the claim of the congregation Chaare Zedek for accumulated interest on refunded assessments.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The comptroller of the city of New York is hereby authorized in his discretion to examine into the claim of the corporation known as the congregation Chaare Zedek, for a refunding of interest accumulated, while the same was in his hands, on assessments heretofore paid by or in behalf of and since refunded to the said congregation Chaare Zedek, and, if it shall appear that the said congregation Chaare Zedek is entitled to such accumulated interest on said assessment during the period in which such assessments were in his hands, to settle and adjust the same in the manner now provided by law, and to cause the same to be paid to said congregation Chaare Zedek.

§ 2. This act shall take effect immediately.

Chap. 211.

AN ACT relating to the collection of taxes in the town of Castile in the county of Wyoming.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The county treasurer of Wyoming county is hereby authorized to extend the time for collecting taxes on real estate in the town of Castile in said county, except as to real estate reassessed on nonresident list and located in the tract usually known as the Silver lake assembly grounds, to September first next following the date of the collector's warrant. If the warrant of said collector is not returned in time for the county treasurer to include

in his real estate tax sale for the then current year, the real estate on which taxes are still unpaid under said extended warrant, he shall defer such sale as to said real estate, until the time prescribed in the tax law for selling real estate for unpaid taxes in the following year.

§ 2. The application of this act shall begin in respect to the warrant for the collection of taxes assessed in the year nineteen hundred and five in said town of Castile, whether the collector's warrant has been once returned or not when this act takes effect.

§ 3. This act shall take effect immediately.

Chap. 212.

AN ACT amending the county law, in relation to the registration of dogs.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate Assembly, do enact as follows:

Section 1. Sections one hundred and twenty-eight and one hundred and twenty-nine of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as added by chapter four hundred and fifty-five of the laws of nineteen hundred and one and amended by chapter one hundred and fifty-eight of the laws of nineteen hundred and two, are hereby amended to read as follows:

§ 128. **Adoption by county of dog registration provisions.**—The board of supervisors of any county may, by resolution adopted at an annual meeting, determine that the provisions of sections one hundred and twenty-eight to one hundred and thirty-six, both inclusive, of this article shall apply to such county, or to any specified town therein, after a date to be designated in such resolution, which date shall be subsequent to the last publication of the resolution as herein required, but no such resolution shall be adopted affecting any town in such county separately, except upon the written application of the town board of such town. Such resolution shall also prescribe the annual registration fee to be paid within the several towns in such county, or within the town affected by it, for every dog over four months old. A certified

copy of such resolution shall be filed in the offices of the secretary of state and of the county clerk of such county, and also in the office of the clerk of the town affected by any such resolution if it relates to a single town; and such resolution, together with sections one hundred and twenty-eight to one hundred and thirty-six, both inclusive of this article shall be published once in each week for six successive weeks in at least two newspapers published in the county to be designated by the board of supervisors, one of which shall be a newspaper published in the town specially affected, if such resolution relates to a single town and there be a newspaper published therein. After the date specified in such resolution which shall be subsequent to such publication no taxes upon dogs shall be assessed in any town or village in such county affected by such resolution, and the board of supervisors may at any subsequent meeting thereof prescribe a different annual registration fee but must publish such change at least once each week for three successive weeks in at least two newspapers to be designated by the board of supervisors, but such registration fee must be uniform in any one year in all the towns of the county to which such sections of this article are then applicable. The board of supervisors of such county may thereafter by resolution adopted, filed and published in like manner determine that the provisions of such sections shall not apply to such county, or to any separate town therein to which such provisions have been made to apply as aforesaid, and after the date specified in such resolution the provisions of law for assessment and collection of taxes on dogs shall apply to such county or to any separate town affected by the resolution last above mentioned, as if the resolution applying such sections had not been adopted.

§ 129. **Payment of fees; issue of tags; definition of dog.**—Within thirty days after the date specified in any such resolution making the aforesaid sections of this article applicable, to any county or to some specified town, every person resident within a town to which such resolution applies, owning or harboring a dog over four months old shall pay to the town clerk of the town in which he resides, the registration fee prescribed by such resolution; and every person who shall thereafter acquire or harbor such a dog for which such registration fee has not been paid shall pay such fee within ten days after acquiring or harboring the same. A fee so paid shall entitle such dog to registration until the thirty-first day of December following such payment; and thereafter on or before the tenth day of January in each year a like fee shall be

paid by a person owning or harboring such dog. Upon the receipt thereof, the town clerk shall enter in a book kept for that purpose, the name of such owner or person, a description of such dog, and the date of the payment of the registration fee; and shall furnish for the use of such dog a suitable metallic tag stamped with the year of issuance and with a number corresponding with the registration number of such dog. Such tag shall be worn by such dog at all times during the year for which the registration fee shall be so paid. The town clerk shall furnish a duplicate of such tag, whenever the same shall be lost, upon payment of the cost thereof. The expense of procuring such tags shall be paid in the same manner as other town charges from the moneys received from the registration fees. The term dog, as used in sections one hundred and twenty-eight to one hundred and thirty-six, both inclusive, of this article, includes bitch.

§ 2. Section one hundred and thirty-one of such chapter, as added by chapter four hundred and fifty-five of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 131. **Duty of town clerk.**—The town clerk of each town wherein said resolution is applicable, in such county, when he shall be informed by such list or otherwise, that there is any dog which has not been registered, shall forthwith bring an action as prescribed in the next section against the owner of such dog or the person harboring the same, or he shall forthwith give written notice to any constable of the town requiring him to take such dog into his possession, and dispose of the same as prescribed in section one hundred and thirty-three of this article.

§ 3. Section one hundred and thirty-three of such chapter, as added by chapter four hundred and fifty-five of the laws of nineteen hundred and one and amended by chapter one hundred and fifty-eight of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 133. **Seizure of dogs not tagged or registered.**—Each constable in such county where such resolution shall be made applicable to the whole county or in the town to which such resolution shall be made applicable, where such resolution shall be made applicable to one or more towns only shall after the expiration of such thirty days from the date specified in such resolution seize and keep in his possession, until disposed of as herein provided, every dog running at large in his county, or town, and not wearing such tag and every dog of which he shall be informed by the town clerk of his town by written notice. He shall forthwith post a

notice in a conspicuous place in the office of the town clerk, containing a description of the dog so seized, and a statement of the time of seizure thereof, and that the said dog will be killed at the end of seventy-two hours from the time of posting, such notice stating the hour of such posting, unless the same is registered and the fee for seizing the same as herein provided is paid within such time and shall also serve a copy of the notice so posted, at least forty-eight hours before such dog shall be killed, upon the owner or person harboring such dog, provided that he be known to such constable or can with reasonable diligence be ascertained by him within said county, personally or by leaving the same at his last known place of residence with a person of suitable age and discretion. The constable shall at the end of seventy-two hours from the time of posting and after so serving such notice kill such dog by shooting, unless the same shall before the expiration of that time be registered and a tag procured for the same as provided in section one hundred and twenty-nine, and in addition thereto, the sum of two dollars be paid to such constable for his fees; in which case such dog shall be released. Every constable shall be entitled to receive a fee of one dollar for each dog seized and killed by him under the provisions of this section or of section one hundred and thirty-four of this article, to be paid as other town charges are paid from moneys received from registration fees.

§ 4. This act shall take effect immediately.

Chap. 213.

AN ACT to authorize the woman's foreign missionary society of the Methodist Episcopal church, to vest its management in a general executive committee.

Became a law, April 12, 1906, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of managers of the woman's foreign missionary society of the Methodist Episcopal church is abolished.

§ 2. The management and general administration of the affairs of the said society shall be vested in a general executive committee

to consist of the president, recording secretary, general treasurer, secretary of German work, secretary of Scandinavian work and the literature committee of the said society, together with the corresponding secretary and two delegates from each coordinate branch of said society.

§ 3. The president, recording secretary, general treasurer, secretaries of German and Scandinavian work and the literature committee now in office shall be members of the general executive committee, which shall meet on the third Wednesday in April in the year nineteen hundred and six; and thereafter such officers and literary committee shall be elected annually by the general executive committee. The corresponding secretary and two delegates of each coordinate branch shall be elected annually by such branch.

§ 4. Meetings of the general executive committee shall be held annually, or oftener, at such time and place as the general executive committee shall appoint, and such place of meeting may be either within or without the state of New York.

§ 5. This act shall take effect immediately.

Chap. 214.

AN ACT to amend chapter five hundred and eighty of the laws of nineteen hundred and two, entitled "An act in relation to municipal courts in the city of New York, its officers and marshals," relative to the reclamation of chattels by defendant in actions in replevin.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seven of chapter five hundred and eighty of the laws of nineteen hundred and two, entitled "An act in relation to the municipal courts of the city of New York, its officers and marshals," is hereby amended to read as follows:

§ 107. At any time before the return day of the summons, the defendant may, if he does not except to the plaintiff's sureties,

serve upon the clerk a notice that he requires the return of the chattel replevied. With the notice he must deliver to the clerk the following papers:

1. An affidavit, containing an allegation, either that the defendant is the owner of the chattel, or that he is lawfully entitled to the possession thereof, by virtue of a special property therein, the facts with respect to which must be set forth.

2. An undertaking, executed by at least two sureties, or a fidelity or surety company, specifically authorized by law to act instead of sureties, to the effect that they are bound, in a specified sum, not less than twice the value of the chattel, as stated in the affidavit of the plaintiff, for delivery thereof, to the plaintiff, if delivery thereof is adjudged, and for the payment to him of any sum, which the judgment awards against the defendant. The sureties in the undertaking, must justify before the court, upon the return of the summons.

If the plaintiff has stated separately in his affidavit the value of one or more chattels, or classes of chattels, as prescribed in section ninety-eight of this act, the defendant may require a delivery of part of the property replevied, as prescribed in that section.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 215.

AN ACT to authorize the city of Ithaca to issue its bonds for the payment of unsecured and floating indebtedness of said city existing on the first day of January, nineteen hundred and six.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Ithaca is hereby authorized and empowered to issue its bonds upon the faith and credit of said city in the sum of seventy-five thousand dollars which bonds shall be signed by the mayor and city clerk and sealed with the seal of said city; the said bonds to bear interest at a rate of not exceeding four per centum per annum, payable semi-annually on the first days of July and January of each year; the principal of said bonds to be

payable in annual instalments of five thousand dollars each, beginning July first, nineteen hundred and eight. The common council of said city shall include in the tax levy and cause to be collected each year, a sum sufficient to pay the principal and interest falling due upon said bonds as hereinbefore provided; said bonds shall be retired in the order in which they are numbered, beginning with the first number and retiring them in consecutive order to the extent of five thousand dollars annually.

§ 2. The moneys realized upon the issue of said bonds shall be for the purpose of paying the unsecured and floating indebtedness of said city as it existed January first, nineteen hundred and six, and for no other purpose.

§ 3. This act shall take effect immediately.

Chap. 216.

AN ACT to amend the labor law, relative to the reporting of accidents.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-seven of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended to read as follows:

§ 87. **Accidents to be reported.**—The person in charge of any factory shall report in writing to the commissioner of labor all deaths, accidents, or injuries sustained by any person therein or on the premises, within forty-eight hours after the time of the accident, death or injury, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by the said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported.

§ 2. This act shall take effect immediately.

Chap. 217.

AN ACT to amend chapter one hundred and thirty-five of the laws of eighteen hundred and eighty-four, entitled "An act providing for the better collection of taxes in the county of Erie; for the sale by the treasurer thereof of lands in said county for unpaid taxes, and regulating the compensation of said treasurer," in relation to the powers of the deputy county treasurer.

Became a law, April 12, 1906, with the approval of the Governor. Passed three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-four of chapter one hundred and thirty-five of the laws of eighteen hundred and eighty-four, entitled "An act providing for the better collection of taxes in the county of Erie; for the sale by the treasurer thereof of lands in said county for unpaid taxes, and regulating the compensation of said treasurer," is hereby amended to read as follows:

§ 34. The treasurer of said county of Erie may, and he is hereby authorized and empowered to appoint a deputy and one or more clerks, who shall take their oaths of office before, and file the same with, such treasurer. Said treasurer may require of each of them such bonds as may be satisfactory to him, and shall be responsible for their integrity and for the faithful discharge of their duties. Said deputy, or clerks, or either of them, shall receive such salary as shall be fixed or allowed by the board of supervisors, and may be removed at the pleasure of said treasurer. During the absence or inability to act of the county treasurer, the deputy county treasurer shall perform all the duties and possess all the powers of a county treasurer, and the undertaking of the county treasurer given after this amendment takes effect shall cover the acts and default of such deputy. If a vacancy occurs in the office of county treasurer, the deputy county treasurer shall upon giving an undertaking, as required by section one hundred and forty of the county law, continue in office with all the powers and duties of the county treasurer until a county treasurer has been appointed pursuant to law.

§ 2. This act shall take effect immediately.

Chap. 218.

AN ACT to provide for the administration of the New York state college of agriculture at Cornell university.

Became a law, April 12, 1906, with the approval of the Governor. Passed. three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The state college of agriculture, established by chapter six hundred and fifty-five of the laws of nineteen hundred and four, shall be known as the New York state college of agriculture at Cornell university. The object of said college of agriculture shall be to improve the agricultural methods of the state; to develop the agricultural resources of the state in the production of crops of all kinds, in the rearing and breeding of live-stock, in the manufacture of dairy and other products, in determining better methods of handling and marketing such products, and in other ways; and to increase intelligence and elevate the standards of living in the rural districts. For the attainment of these objects the college is authorized to give instruction in the sciences, arts and practices relating thereto, in such courses and in such manner as shall best serve the interests of the state; to conduct extension work in disseminating agricultural knowledge throughout the state by means of experiments and demonstrations on farms and gardens, investigations of the economic and social status of agriculture, lectures, publication of bulletins and reports, and in such other ways as may be deemed advisable in the furtherance of the aforesaid objects; to make researches in the physical, chemical, biological and other problems of agriculture, the application of such investigations to the agriculture of New York, and the publication of the results thereof. All buildings, furniture, apparatus and other property heretofore or hereafter erected or furnished by the state for such college of agriculture shall be and remain the property of the state. The Cornell university shall have the custody and control of said property, and shall, with whatever state moneys may be received for the purpose, administer the said college of agriculture, with authority to appoint investigators, teachers and other officers and employees, to lay out lines of investigation, to prescribe the requirements for admission and the course of study and with such other power and authority as may be necessary and

proper for the due administration of such college of agriculture. Said university shall receive no income, profit or compensation therefor, but all moneys received from state appropriations for the said college of agriculture or derived from other sources in the course of the administration thereof, shall be credited by said university to a separate fund, and shall be used exclusively for said New York state college of agriculture. Such moneys as may be appropriated to be paid to the Cornell university by the state in any year, to be expended by said university in the administration of said college of agriculture, shall be payable to the treasurer of Cornell university in three equal payments to be made on the first day of October, the first day of January, and the first day of April in such year, and within sixty days after the expiration of the period for which each instalment is received the said university shall furnish the comptroller vouchers approved by the commissioner of agriculture for the expenditures of such instalment. The said university shall expend such moneys and use such property of the state in administering said college of agriculture as above provided, and shall report to the commissioner of agriculture in each year on or before the first day of December, a detailed statement of such expenditures and of the general operations of the said college of agriculture for the year ending the thirtieth day of September then next preceding. Fees and charges in said college of agriculture shall be fixed by Cornell university, and the moneys received from these sources and from the sales of products shall be credited to a separate fund and shall be used for the current expenses of the said college of agriculture.

§ 2. This act shall take effect immediately.

Chap. 219.

AN ACT making an appropriation for the payment of the principal and interest of Adirondack park bonds, issued pursuant to chapter two hundred and twenty of the laws of eighteen hundred and ninety-seven.

Became a law April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated from any moneys in the treasury not otherwise appropriated, for the comptroller, for the redemption of the principal of Adirondack park bonds due February first, nineteen hundred and seven, issued pursuant to chapter two hundred and twenty of the laws of eighteen hundred and ninety-seven, two hundred thousand dollars; and for one year's interest on four hundred thousand dollars of said bonds at three and one-half per centum per annum, fourteen thousand dollars, or so much thereof as may be necessary.

§ 2. This act shall take effect immediately.

Chap. 220.

AN ACT making an appropriation for the promotion of agriculture.

Became a law April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of fifty thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the promotion of agriculture in this state. Of said fifty thousand dollars there shall be distributed by the commissioner of agriculture to the American institute of the city of New York, town, county and other agricultural societies, fairs, clubs and expositions, the amount to which they are entitled by virtue of the provisions of section eighty-nine of the agricultural law. The remainder shall be apportioned among the county agricultural

societies, fairs or associations, the American institute of New York city, or the societies, fairs, or associations entitled thereto, in counties where there are no such agricultural societies, and the various towns and other agricultural societies, clubs or exhibitions, to be distributed in the manner provided by section eighty-eight of the agricultural law. The sum hereby appropriated shall be payable by the treasurer on the warrant of the comptroller on the order of the commissioner of agriculture.

§ 2. This act shall take effect immediately.

Chap. 221.

AN ACT to amend chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, entitled "An act to create a commissioner of jurors in the several counties of this state," in relation to Herkimer county.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, entitled "An act to create a commissioner of jurors in the several counties of this state" as amended by chapter two hundred and one of the laws of nineteen hundred and three, chapters one hundred and two and five hundred and ten of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 1. The office of commissioner of jurors is hereby established in and for each of the counties of Schenectady, Saratoga, Richmond, Queens, Oneida, Herkimer and Niagara, and the board of supervisors in any other county of the state, may adopt a resolution at its annual or a special meeting called for that purpose, to establish the office of commissioner of jurors in such county. A copy of such resolution certified by the clerk of such board of supervisors, shall be filed in the office of the clerk of the county within ten days after its adoption and a certified copy thereof delivered within the same time to each of the officers herein authorized to appoint a commissioner of jurors for such county.

§ 2. Subdivision three of section four of chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, as

amended by section three of chapter two hundred and one of the laws of nineteen hundred and three, and as further amended by chapter one hundred and two of the laws of nineteen hundred and five, is amended to read as follows:

3. In counties having a population less than one hundred thousand a sum to be fixed by the resolution creating the office, except in the counties of Niagara, Saratoga, Herkimer and Schenectady, where it shall be fixed by the board which makes the appointment, not exceeding twelve hundred dollars.

§ 3. This act shall take effect immediately.

Chap. 222.

AN ACT to amend chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, entitled "An act to create a commissioner of jurors in the several counties of this state," in relation to limiting the class of counties in which an assistant commissioner may be appointed.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of chapter four hundred and forty-one of the laws of eighteen hundred and ninety-nine, entitled "An act to create a commissioner of jurors in the several counties of this state," is hereby amended to read as follows:

§ 6. A commissioner of jurors in a county of more than sixty-five thousand population according to the last preceding state or federal census, may appoint one assistant commissioner of jurors whose compensation shall be fixed by the board appointing the commissioner, and one clerk whose compensation shall be fixed in the same manner; such compensation shall be paid by the county in equal monthly instalments and an assistant commissioner of jurors may be designated by the commissioner appointing him to perform any of the duties of a commissioner of jurors in his absence. A commissioner of jurors, or an assistant whom he designates for the purpose by a certificate filed in the office of the county clerk, may administer an oath or affirmation in relation to any matter embraced within the provisions of this act.

§ 2. This act shall take effect immediately.

Chap. 223.

AN ACT to authorize the comptroller of the state to hear and determine the application of Henry F. Hamilton, for the cancellation of the eighteen hundred and ninety and eighteen hundred and ninety-five tax sales of the southeast, one-fourth of lot one hundred and sixty, township eleven, old military tract, in the county of Essex.

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Jurisdiction is hereby conferred upon the comptroller to hear and determine the application of Henry F. Hamilton, for the cancellation of the eighteen hundred and ninety and eighteen hundred and ninety-five tax sales, of the southeast, one-fourth of lot one hundred and sixty, township eleven old military tract, Essex county, the said Hamilton claiming to be the owner thereof, and the said comptroller is hereby authorized to act upon said application in the same manner and with the same effect as if the application were made within the time prescribed by law. Said application shall be heard and granted only upon the ground that the taxes for the alleged nonpayment of which tax sales were made were duly paid.

§ 2. Prior to the hearing on said application the said Henry F. Hamilton shall cause to be served upon the attorney-general of the state a notice of said hearing, which notice shall be served at least fourteen days before the date of the hearing.

§ 3. This act shall take effect immediately.

Chap. 224.

AN ACT to legalize the issue of bonds of the town of Lumberland in the county of Sullivan, authorized by the board of supervisors of said county for the purpose of defraying the expense of rebuilding a bridge over the Delaware river in said town, and to provide for the payment of the principal and interest thereof.

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The act of the board of supervisors of the county of Sullivan, passed at the annual meeting thereof in the year nineteen hundred and five, authorizing the town of Lumberland in said county to borrow on the faith and credit of said town the sum of twenty-eight thousand nine hundred dollars, to pay the expense of rebuilding a bridge on the highway over the Delaware river in said town, and to issue its bonds in the denomination of one thousand dollars each, except one to be in the denomination of nine hundred dollars, for the amount so borrowed, payable on the first day of March in the years nineteen hundred and eight to nineteen hundred and twenty-two inclusive, and the proceedings leading up to the passage of said act, are hereby ratified, confirmed and legalized, and made of the same force and effect as though the laws applicable thereto had been fully and strictly complied with; and the bonds of said town, bearing interest at the rate of four per centum per annum, issued thereunder, or hereafter issued thereunder, and signed by the supervisor and town clerk thereof, are hereby declared to be valid and binding obligations of said town.

§ 2. The board of supervisors of said county of Sullivan shall cause to be raised annually upon the taxable property of said town of Lumberland such sums of money as may be necessary to pay the instalments of principal and interest of said bonds as they shall become due, until said bonds and interest thereon are fully paid.

§ 3. This act shall take effect immediately, but shall not affect any pending action or proceeding.

Chap. 225.

AN ACT to amend the state charities law, relative to commitment to the New York state training school for girls.

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions three and four of section one hundred and thirty-five of chapter five hundred and forty-six of the laws of eighteen hundred and ninety-six, entitled "An act relating to state charities, constituting chapter twenty-six of the general laws," as added by chapter four hundred and fifty-three of the laws of nineteen hundred and four, are hereby amended to read, respectively, as follows:

3. The magistrate committing a female, pursuant to this section, shall immediately notify the superintendent of the institution to which the commitment is made of the conviction of such female, and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offenses; the last place of residence of such female, and the particulars of the offense for which she is committed. The magistrate shall also execute a warrant of commitment, which shall recite the facts upon which it is based, and the name, age, birthplace, occupation, previous commitments, if any, and for what offenses, and the last place of residence of such female. This warrant of commitment shall be delivered to a person authorized by law to accompany such female to the institution, and shall be delivered by such person to the superintendent of such institution, who shall cause the facts stated therein, and such other facts as may be directed by the board of managers, to be entered in a book of record. This warrant of commitment shall constitute the only paper requisite to a commitment to this institution.

4. Such magistrate shall, before committing any such female, inquire into and determine the age of such female at the time of commitment, and her age as so determined shall be stated in the warrant. The statement of the age of such female in such warrant shall be conclusive evidence as to such age, in any action to recover damages for her detention or imprisonment under such warrant, and shall be presumptive evidence thereof in any other

inquiry, action or proceeding relating to such detention or imprisonment. If the court or magistrate shall omit to insert in the warrant of commitment the age of any delinquent committed to such school or house of refuge, the managers shall as soon as may be after such delinquent shall be received by them, ascertain her age by the best means in their power, and cause the same to be entered in a book to be designated by them for that purpose, and the age of such delinquent thus ascertained shall be deemed and taken to be the true age of such delinquent.

§ 2. This act shall take effect immediately.

Chap. 226.

AN ACT to amend the code of civil procedure, in relation to the appointment and compensation of a stenographer for the surrogate's court of Sullivan county.

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-five hundred and thirteen of the code of civil procedure, is hereby amended to read as follows:

§ 2513. The surrogate of each county, except New York, Kings, Hamilton, Queens and Richmond, may, in his discretion, appoint, and at pleasure remove, a stenographer for his court, who, except in Sullivan county, shall receive a salary to be fixed by such surrogate, not exceeding in counties having a population less than thirty thousand, eight hundred dollars per annum; in counties having a population of thirty thousand and not more than fifty thousand, not exceeding one thousand dollars per annum, and in counties having a population exceeding fifty thousand, not exceeding twelve hundred dollars per annum, except that in counties in which are located cities of the second class, such salary shall not exceed eighteen hundred dollars per annum; and in any county wholly containing a city of the first class, such salaries shall not exceed two thousand dollars per annum. The population of the several counties shall be determined by the last preceding census. If a regular stenographer is appointed in Sullivan county, his salary shall be five hundred dollars per annum. The board of supervisors shall provide for the payment of such salary in the same man-

ner as other county expenses are paid. Such stenographer shall deliver to the surrogate of the county a full copy of all the minutes taken by him; and on the receipt of his fees, not exceeding three cents per folio, a like copy to the party, or each of the parties, to the proceeding in which the minutes were taken, except that in the county of Onondaga, such fees shall not exceed six cents per folio. When not actually engaged in the discharge of his duties as stenographer, he shall perform such clerical duties in connection with the surrogate's court as the surrogate directs. In counties wherein the surrogate is also county judge, the stenographer so appointed shall be the stenographer of the county court, and shall perform the duties pertaining to a stenographer of the county court without additional compensation. In counties where, for any cause, a regular stenographer for his court has not been appointed, as provided by this section, the surrogate may, in individual proceedings requiring the services of a stenographer, appoint a stenographer who shall be paid a reasonable compensation, certified by the surrogate in every case in which he takes notes of testimony, from the estate or matter in which such services are rendered.

§ 2. The compensation of a stenographer for the surrogate's court of the county of Sullivan appointed pursuant to this section shall be paid monthly out of the contingent fund of the county until provision shall be made by the board of supervisors therefor.

§ 3. This act shall take effect September first, nineteen hundred and six.

Chap. 227.

AN ACT to amend the primary election law relative to transcribing enrollments.

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section three of chapter one hundred and seventy-nine of the laws of eighteen hundred and ninety-eight, entitled "An act in relation to enrollment for political parties, primary elections, conventions, and political committees" is hereby amended to read as follows:

Subdivision 3. It shall be the duty of the board of primary inspectors, or one of them, after the final meeting for registration

in each year, and at the same time he delivers the registration books, to deliver the enrollment box to the custodian of primary records. All enrollment envelopes contained therein shall remain in such box, and the said box shall not be opened or any of the envelopes be opened or removed therefrom until the Tuesday following the next succeeding day of general election. Such box shall then be opened by the custodian of primary records, and the envelopes contained therein shall be removed therefrom and opened by said custodian, and the name of the party designated by each elector under such declaration shall be by said custodian entered against the name of such elector in the sixth column of said enrollment books for the election district in which such elector resides. Such enrollment shall be completed before the succeeding fifteenth day of February in each year. If cross marks are found in more than one of the circles, or if no cross marks are found in any of the circles on any enrollment blank, the elector who used the enrollment blank thus deficient shall not be deemed to be enrolled, and words indicating the reason why such enrollment is not transcribed shall be entered in said sixth column of the enrollment books against the name of such elector. When all of the enrollments shall be transcribed from the blanks to the enrollment books, the custodian of primary records shall subscribe and verify duplicate declarations, one of which shall be printed in or attached to each of the original enrollment books, which declaration shall be to the effect that he has correctly and properly transcribed the enrollment indicated on the blank of each elector to the enrollment books, as herein provided.

§ 2. This act shall take effect immediately.

Chap. 228.

AN ACT to amend the general corporation law, relative to the acquisition of real property by life insurance corporations.

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirteen of the general corporation law, being chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-two, is hereby amended to read as follows:

§ 13. Acquisition of additional real property.—When any corporation, except a life insurance corporation, shall have sold or conveyed any part of its real property, the supreme court may, notwithstanding any restriction of a general or special law, authorize it to purchase and hold from time to time other real property, upon satisfactory proof that the value of the property so purchased does not exceed the value of the property so sold and conveyed within the three years next preceding the application.

§ 2. This act shall take effect immediately.

Chap. 229.

AN ACT to amend chapter six hundred and sixty-six of the laws of eighteen hundred and ninety-three, entitled "An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts" and the acts amendatory thereof, in relation to the provisions for the police department of said village.

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-five of title six of chapter six hundred and sixty-six of the laws of eighteen hundred and ninety-three, entitled "An act to revise, amend and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts," as amended by chapter two hundred and

sixty-four of the laws of nineteen hundred and two, is hereby amended so as to read as follows:

§ 25. The pay of each of said policemen shall be fixed by said police commissioners, and shall be at the rate of not less than forty-five nor more than seventy-five dollars per month, for such time as any such policeman shall actually serve, except that the policeman designated as chief of police shall be paid at the rate of not less than sixty nor more than one hundred dollars per month, and each of such special patrolmen shall be paid two dollars for each day he shall actually serve. Such salaries shall be paid monthly upon the warrant of the trustees of said village, drawn upon the treasurer of the village, and the money to pay the same shall be taken from the fund which is designated as the police justice fund; whenever there shall not be sufficient money to the credit of that fund with which to pay such salary, then and in that case the trustees of the village of Canandaigua are hereby authorized to borrow money sufficient for such purpose, and the amount so borrowed shall be in addition to and collected with the amount annually raised by taxation in said village as now authorized by law. Such policemen shall not receive any other compensation, except when traveling in discharge of their duty in conveying persons to prison, or by direction of the police commissioners in the discharge of their duties, or upon direction of the police justice upon warrant issued by him; when their actual expenses shall be paid upon a verified account of the items of such expenses in detail, to be certified by the board of police commissioners, and audited and paid by the trustees of the village of Canandaigua, out of the police justice fund. The board of police commissioners may by resolution give to any such policeman, including the policeman designated as the chief of police, a vacation or vacations, not exceeding in the aggregate two weeks in any year; and the period or periods of such vacation or vacations shall be included as a part of the time for which such policeman shall be entitled to pay as time actually served by him.

§ 2. This act shall take effect immediately.

Chap. 230.

AN ACT to reappropriate certain unexpended balances of former appropriations.

Became a law, April 18, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The following unexpended balances of former appropriations are hereby reappropriated for the same objects and purposes, and to be expended in the same manner, as provided in the acts making the original appropriations. The sum of two hundred and fifty-two dollars and thirty-two cents for dredging the inlet to Cayuga lake and for repairing the state pier at the mouth of such inlet, as provided by chapter six hundred and forty-five of the laws of nineteen hundred and one, chapter four hundred and thirteen of the laws of nineteen hundred and two and chapter six hundred and thirty-two of the laws of nineteen hundred and four; the sum of three hundred and sixteen dollars and seventy-seven cents for ordinary repairs and maintaining the state dams on Beaver river and the Fulton Chain, as provided by chapter five hundred and ninety-four of the laws of nineteen hundred and two and chapter six hundred and thirty-two of the laws of nineteen hundred and four; the sum of one thousand seven hundred and forty-one dollars and seventy cents for improving the facilities for commerce and convenience of the public by excavating and deepening the harbor and channel and the entrance thereto at the foot of Canandaigua lake in Ontario county and to repair the pier and breakwater, as provided in chapter seven hundred and twenty-nine of the laws of nineteen hundred and four; the sum of three hundred and forty dollars and four cents for the repair of the state dams at Sixth lake and Old Forge and the Moose river, as provided by chapter seven hundred and thirty of the laws of nineteen hundred and four; and the sum of one thousand and fifty-seven dollars and three cents for protecting and repairing and erecting a sloping apron and completing the graveling of the state dam on the Saint Regis river in the vicinity of Brasher falls, Saint Lawrence county, as provided by chapter seven hundred and twenty-nine of the laws of nineteen hundred and four. And also, the sum of two thousand five hundred and twelve dollars and

twenty-four cents reappropriated by chapter six hundred and thirty-two of the laws of nineteen hundred and four for building a guard lock with retaining works and waste weirs in the Cayuga and Seneca canal and Seneca river for the purpose of maintaining and regulating the waters of Seneca lake, is hereby reappropriated for the purpose of raising and reconstructing the breakwater at the outlet of Seneca lake.

§ 2. This act shall take effect immediately.

Chap. 231.

AN ACT to amend the penal code relating to rebates and allowances by life insurance corporations.

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal code is hereby amended by adding a new section thereto to be known as section five hundred and seventy-seven-k, to read as follows:

§ 577-k. Any person knowingly receiving any rebate or allowance or deduction from any premium, or any valuable thing, special favor or advantage whatever, as an inducement to take any policy of life insurance, not specified in the policy is guilty of a misdemeanor.

§ 2. This act shall take effect on the first day of September, nineteen hundred and six.

Chap. 232.

AN ACT to amend chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-three, entitled "An act to provide for the compilation and continuance and care of certain indexes and records in the Albany county clerk's office," relative to the execution of the work and the order thereof.

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-three, entitled "An act to provide for the compilation and continuance and care of certain indexes and records in the Albany county clerk's office" as amended by chapter two hundred and sixty-eight of the laws of eighteen hundred and ninety-six, as amended by chapter four hundred and seventy-one of the laws of eighteen hundred and ninety-nine, as amended by chapter four hundred and seventy-four of the laws of nineteen hundred and three, is hereby amended so as to read as follows:

§ 3. The county treasurer of Albany county is hereby directed to pay out of any moneys in his hands not otherwise appropriated, upon the warrants of the county clerk of Albany county, countersigned by the superintendent appointed under the provisions of the second section of this act, to the several parties entitled thereto and who shall receipt therefor upon the back of such warrants, such sums of money as shall become due and payable to the parties employed in the execution of this work, and to the contractor engaged in printing the same, and to any other parties for stationery and like materials and supplies required in the execution of the work. He shall also pay to the clerk of Albany county the sum of fifty dollars, on the first day of each month for his services in the premises, and to the superintendent appointed by said clerk the sum of one hundred dollars per month for his services, payable the first day of each month, provided that no such payment shall be made to such clerk or superintendent after the first day of May, nineteen hundred and nine, on or before which day it shall be the duty of the said clerk and superintendent to provide for the complete and entire execution of the work authorized hereby. If the county treasurer shall not have the money in his hands to pay such

warrants and salaries he shall borrow the same upon the credit of the county, and the same shall be included and raised in the next county tax budget. And the compiler is authorized to retain in his possession in addition to his other compensation the extra copy of the above index, and he is hereby directed to prepare one set of the grantors and grantees of this work and have them properly bound and indorsed with the following title, "Presented to the Netherlands by the city of Albany in the state of New York, United States of America, in recognition of the fact that it was settled by a colony of the inhabitants of the Netherlands, many of whose names and those of their descendants appear in these records." Said set to be forwarded to some proper custodian in the Hague, and to be there preserved for public use and reference. The work provided for by this act shall be completed in the following order: First, grantors; second, grantees; third, mortgagors; fourth, mortgagees, and fifth, other general records. And it shall be the duty of said superintendent to prosecute and complete the work in this order, and his employees shall devote their time solely to such completion.

§ 2. This act shall take effect immediately.

Chap. 233.

AN ACT to amend chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-three, entitled "An act to provide for the compilation and continuance and care of certain indexes and records in the Albany county clerk's office," relative to the custody of certain papers and salary of custodian.

Became a law, April 18, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-three, entitled "An act to provide for the compilation and continuance and care of certain indexes and records in the Albany county clerk's office," as amended by chapter two hundred and fifty-three of the laws of eighteen hundred and ninety-seven, is hereby amended to read as follows:

§ 8. It shall be the duty of the clerk of Albany county to appoint a proper custodian who shall have the immediate care and

charge, subject to the directions of the clerk, of all court papers, judgment-rolls, and other papers and instruments on file in his office, or in his custody, and who shall whenever necessary sort such papers and be responsible for keeping them in order and in their proper receptacles, and who shall receive from the county of Albany a salary of nine hundred dollars per annum; and who shall, in addition to the duties hereinafter enumerated, perform such other duties for the clerk as shall be prescribed by him. The north room in which the judgment-rolls, court records and other papers now are kept in the clerk's office in the city hall in the city of Albany, shall be divided off by such sufficient barrier as shall prevent access to such papers by the public. And it shall be a misdemeanor on the part of any person not employed in the office to take from the receptacles in which they may be placed or contained any of the papers in such room; and the same shall be delivered to any party or parties desiring to inspect or copy them only by the custodian appointed under such act, or by such party in the employment of the clerk of the county of Albany as he shall designate for that purpose, or by the clerk himself, upon written requisitions to be made upon blanks which shall be furnished by the county clerk, and on which shall be written by the applicant therefor the date, nature of the record required, and the name of the party seeking it and such requisition shall be kept and preserved by the county clerk in his office, and shall be filed in a proper receptacle according to their dates; but such requisition upon the redelivery of said records to the custodian shall be duly indorsed to the effect that they have been so redelivered; and except by and pursuant to an order of the court, or in accordance with the terms of a subpoena, no paper, document, map or instrument or public record, and no book of record or book required to be kept in the office of the clerk of Albany county, shall be removed or taken therefrom.

§ 2. This act shall take effect immediately.

Chap. 234.

AN ACT to amend chapter five hundred and seventeen of the laws of eighteen hundred and ninety-nine, entitled "An act to authorize the paving or macadamizing of streets, avenues, highways and public places in the village of Port Chester, Westchester county, and to provide for the payment of the expense of the same."

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nineteen of chapter five hundred and seventeen of the laws of eighteen hundred and ninety-nine, entitled "An act to authorize the paving or macadamizing of streets, avenues, highways and public places in the village of Port Chester, Westchester county, and to provide for the payment of the expense of the same," is hereby amended to read as follows:

§ 19. The amount of bonds that may be issued under this act for the part, proportion or ratio of the expense to be borne by the village at large, shall not exceed five per centum of the assessed valuation of the real estate of said village, subject to taxation, as it appeared upon the last corrected assessment-roll thereof.

§ 2. This act shall take effect immediately.

Chap. 235.

AN ACT to amend chapter six hundred and nine of the laws of nineteen hundred and five, entitled "An act to legalize the acts of B. F. Cahill, a notary public," in relation to B. F. McCahill.

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter six hundred and nine of the laws of nineteen hundred and five, entitled "An act to legalize the acts of B. F. Cahill, a notary public," is hereby amended to read as follows:

§ 1. The acts of B. F. McCahill, of the county of New York performed as notary public, from the first day of April, eighteen

hundred and eighty-four, to the first day of May, eighteen hundred and eighty-four, are hereby legalized and confirmed, and shall have the same force and effect as though the said B. F. McCahill had filed a county clerk's certificate qualifying him to act as a notary public in the county of Westchester, state of New York, at the time of the performance of said acts.

§ 2. Nothing in this act shall affect any action or proceeding pending in any court.

§ 3. This act shall take effect immediately.

Chap. 236.

AN ACT to abolish the offices of auditing superintendents of the poor in Rensselaer county, to confer their powers and duties on the acting superintendent, and to authorize the employment of additional clerks in his office.

Became a law, April 13, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The office of the auditing superintendent of the poor of the county of Rensselaer whose term expires on December thirty-first, nineteen hundred and six, is hereby abolished on that date, and all his powers and duties shall be exercised and performed by the auditing superintendent of the poor whose term of office expires on December thirty-first, nineteen hundred and seven, until the expiration of his term of office. The office of the auditing superintendent of the poor whose term expires on December thirty-first, nineteen hundred and seven, is hereby abolished on that date, and from and after the first day of January, nineteen hundred and eight, all the powers and duties of the auditing superintendents of the poor of the county of Rensselaer and of the board of superintendents of such county, under existing laws, shall be exercised and performed by the acting superintendent of the poor of such county. All bills contracted by said acting superintendent of the poor in the discharge of his office shall be audited by the board of supervisors after the first day of January, nineteen hundred and eight.

§ 2. The acting superintendent of the poor of such county may employ additional clerks to assist him in the discharge of his official duties at an annual expense not exceeding one thousand dollars.

§ 3. This act shall take effect immediately.

Chap. 237.

AN ACT to change the name of the Prospect park Presbyterian church of Brooklyn, New York, to the Parkside church, Presbyterian, of Brooklyn, New York.

Became a law, April 16, 1906, without the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The name of the "Prospect park Presbyterian church of Brooklyn," a religious corporation, is hereby changed to "The Parkside church, Presbyterian, of Brooklyn, New York," and as such shall enjoy and exercise all the rights and powers it has heretofore possessed.

§ 2. Nothing herein contained shall in any way impair or affect any contract, liability, obligation or duty of said corporation made, entered into, or incurred before the passage of this act, with or to any person or persons, corporation or corporations or of any person, corporation or corporations, with or to said corporation, or any proceeding instituted, or that may be instituted to enforce any contract obligation, liability or duty in favor of or against said corporation; but any and all such contracts, obligations, liabilities, duties and proceedings shall be and remain valid and binding in all respects to the same extent and liable to be enforced by and against said corporation by the name of "The Parkside church, Presbyterian, of Brooklyn, New York," in the same manner as if the alteration contained in this act had not been made.

§ 3. This act shall take effect immediately.

Chap. 238.

AN ACT to amend the stock corporation law relative to the qualification of directors.

Became a law, April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty of chapter thirty-six of the general laws known as the stock corporation law, being chapter six hun-

dred and eighty-eight of the laws of eighteen hundred and ninety-two, is hereby amended to read as follows:

§ 20. **Directors.**—The directors of every stock corporation shall be chosen at the time and place fixed by the by-laws of the corporation by a plurality of the votes at such election. Each director shall be a stockholder unless otherwise provided in the certificate, or in a by-law adopted by a stockholders' meeting. Vacancies in the board of directors shall be filled in the manner prescribed in the by-laws. Notice of the time and place of holding any election of directors shall be given by publication thereof, at least once in each week for two successive weeks immediately preceding such election, in a newspaper published in the county where such election is to be held, and in such other manner as may be prescribed in the by-laws. Policyholders of an insurance corporation shall be eligible to election as directors, whether or not they be stockholders. At least one-fourth in number of the directors of every stock corporation shall be elected annually.

§ 2. This act shall take effect immediately.

Chap. 239.

AN ACT to amend the general corporation law relative to political contributions by corporations.

Became a law April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general corporation law is hereby amended by adding thereto a new section to be known as section forty-one, to read as follows:

§ 41. No corporation or joint-stock association doing business in this state, except a corporation or association organized or maintained for political purposes only, shall directly or indirectly pay or use or offer, consent or agree to pay or use any money or property for or in aid of any political party, committee or organization, or for, or in aid of, any corporation, joint-stock or other association organized or maintained for political purposes, or for, or in aid of, any candidate for political office or for nomination for such office, or for any political purpose whatever, or for the

reimbursement or indemnification of any person for moneys or property so used. Any officer, director, stockholder, attorney or agent of any corporation or joint-stock association which violates any of the provisions of this section, who participates in, aids, abets or advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a misdemeanor and punishable by imprisonment in a penitentiary or county jail for not more than one year and a fine of not more than one thousand dollars. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial, for a violation of any of the provisions of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

§ 2. This act shall take effect immediately.

Chap. 240.

AN ACT to amend the legislative law relative to legislative journals.

Became a law, April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-two of chapter six hundred and eighty-two of the laws of eighteen hundred and ninety-two, entitled "An act in relation to legislation, constituting chapter eight of the general laws," is hereby amended so as to read as follows:

§ 22. Custody of legislative papers and documents.—The clerk of each house shall take charge of and keep on file all documents of such house, and those presented to it; and shall cause all papers in his charge to be so classified and arranged that they can be easily

found. No paper shall be withdrawn from the files of either house, whether the same be in charge of the regents of the university or the clerk of such house, except that such clerk, or a deputy appointed by him, shall have access to the papers of such house in charge of the regents for the purpose of taking copies. Any person may obtain a certified copy of any paper or document on such files by applying to the clerk in charge thereof and paying to such clerk the same fees as are charged by law by the secretary of state for engrossing and certifying exemplifications of records deposited in his office. Either house may, by resolution, order title deeds or original documents accompanying any petition to be delivered to the person entitled thereto. The journals of proceedings of each house, heretofore published and now in the custody of its clerk, shall be deemed for all purposes to be the original journals of the proceedings of such house. The clerk of each house shall compare a printed volume or volumes of its journal of proceedings hereafter published under his direction from the original manuscript copy thereof, and having noted in such printed volume or volumes each error contained therein, shall attach thereto a certificate, under his hand and official seal, that each such printed volume or volumes was published under his direction and that, as corrected, it is a correct transcript of the text of such original manuscript copy. He shall thereupon deposit and keep such printed volume or volumes, so corrected and certified, in his custody and the same shall thereupon become and be deemed for all purposes to be the original journal or journals of proceedings of such house; and the same, or a copy certified by the clerk, may be read in evidence. The manuscript copy of the journal prepared by the journal clerk shall be kept continuously in the custody of the clerk until the printed journal shall have been published, compared, corrected and certified in the form and manner provided herein. The clerk shall cause a duplicate or typewritten copy of said manuscript copy of each day's journal to be prepared and furnished to the printer for his use in printing the published journal.

§ 2. This act shall take effect immediately.

Chap. 241.

AN ACT to amend the forest, fish and game law relative to the establishment of a close season in towns.

Became a law April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and fifty-six of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter six hundred and sixty-two of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 156. Close season established in towns.—The commission, may on the request of a majority of the town board of any town in which fish have been or shall be placed at the expense of the state, prohibit or regulate the taking of fish from inland waters therein, for not exceeding five years, from the first of May next after such fish have been furnished. At least thirty days before such prohibition or regulation shall take effect, a copy of the same shall be filed in the office of the clerk of the town to which the prohibition or regulation applies, and printed copies thereof at least one foot square shall be posted along the shores of the waters affected, not more than fifty rods apart. Whoever shall violate or attempt to violate any such prohibition or regulation is guilty of a misdemeanor, and in addition thereto shall be liable to a penalty of sixty dollars for each violation and an additional penalty of five dollars for each fish, taken or possessed in violation of this section.

§ 2. This act shall take effect immediately.

Chap. 242.

AN ACT to amend, revise and consolidate the charter of the village of Ossining, and to extend the boundaries of said village.

Became a law, April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

ARTICLE I.

BOUNDARIES, CORPORATE NAME AND POWERS.

Section 1. **Boundaries of village.**—All that part of the town of Ossining, in the county of Westchester, contained in the following bounds, shall be the village of Ossining: Beginning at a monument located on the east side of the Hudson river, at or near the boundary line between the properties of John I. Kane, and Brayton Ives, and four hundred and sixty feet north of a railroad culvert; thence in a direct line, south seventy-five degrees fifty-five minutes east, thirty-five hundred and forty feet, to a monument on the east side of Van Cortlandt, otherwise known as Ward avenue, at the north side of Prospect avenue, sometimes called Prospect lane; thence in a direct line south seventy-two degrees thirty-five minutes east, sixty-five hundred and forty-three feet to a monument on the east side of the Ryder road, at a point sixteen hundred feet easterly from the east side of the Camp Woods road; thence in a direct line south one degree fifteen minutes west, forty-three hundred and fifty feet, to a monument at the junction of the properties of R. G. Mead deceased, Peter Donald, and S. T. Cockcroft; thence westerly with the boundary line between the properties of said R. G. Mead deceased, and S. T. Cockcroft, six hundred and twenty feet, to the property of Fred G. Mead; thence westerly with the boundary line between the properties of said R. G. Mead deceased, and Fred G. Mead, north eighty-six degrees fifteen minutes west, six hundred and sixty-two feet, to the Pleasantville road; thence westerly along north side of said Pleasantville road, four hundred and eighty-seven feet to a monument located opposite, and in line with the east side of the intermediate reservoir; thence southwesterly to and along said intermediate reservoir, ninety-four feet to a corner; thence south-

erly two hundred and seventy feet to a corner; thence southwesterly eighty-six feet to a corner; thence northwesterly four hundred and four feet to a corner; thence northwesterly three hundred and fifty-two feet to a corner; thence northeasterly two hundred and eighty-two feet to said Pleasantville road; thence westerly, along the south side of Pleasantville road, seven hundred feet to the Underhill road; thence southwesterly, along east side of said Underhill road, twenty-one hundred and eighty feet, to the present line of the village of Ossining; thence south forty-nine degrees fifteen minutes west, thirty-seven hundred and ninety-five feet, along said line of present village of Ossining, to a monument at the north side of the old Croton aqueduct; thence southerly, following the north and east sides of said old Croton aqueduct, twenty-two hundred and thirty feet, to a monument opposite, and in line with, the north boundary of the property of Gustav H. Schwab; thence to and along said north boundary line of Gustav H. Schwab, north sixty degrees three minutes west, three hundred and sixty-three feet, north sixty-three degrees twelve minutes west, one hundred and ninety-eight feet, north sixty degrees twelve minutes west, three hundred and twenty-five feet, north sixty-four degrees twenty-seven minutes west, one hundred and fifty-one feet to a monument at the Albany post road; thence southerly along east side of said Albany post road, thirty-three hundred and thirty-three feet to a monument opposite, and in line with the south side of Sparta cemetery; thence north seventy-eight degrees thirty minutes west, three hundred and sixty feet, to and along said south side of Sparta cemetery, to a monument at the old post road; thence in a direct line north fifty-three degrees fifteen minutes west, twelve hundred and fifty-five feet to a monument at the Hudson river, located five hundred feet north of the north side of Scarborough pier; thence northerly along the Hudson river to the place of beginning, containing all the property within said boundaries.

§ 2. **Corporate powers.**—The said territory, together with the inhabitants residing therein, shall be a municipal corporation and known as the president and trustees of the village of Ossining, and are vested with and in possession of all the estate, real and personal, rights and privileges and immunities which appertain and belong to the village of Ossining, and by the name of the president and trustees of the village of Ossining they and their successors shall have perpetual succession capable in law of suing and being sued, complaining and defending in any court of law

or equity, and may adopt and use a common seal and alter the same at will, and take, hold, convey, lease, purchase, sell or assign any real or personal estate as the purpose of the corporation may require. It may take by gift, grant, bequest and devise and hold real and personal estate in trust, for any purpose of education, art, health, charity or amusement; for parks, gardens and grounds; for the burial of the dead, or the public use, and for the erection of statues, monuments and public buildings, upon such terms as may be prescribed by the grantor or donor and accepted by said corporation; and it may provide for the proper execution of such trusts.

§ 3. **Wards.**—The said village shall be divided into four wards bounded respectively as follows:

1. First ward.—All that part of said village lying south of a line commencing at the Hudson river at a point due west in a straight line from the center of Orchard street; thence running easterly in a straight line to the center of William street; thence running easterly in the same straight line along the center line of William street, crossing State street, Spring street and Edward street to South Highland avenue; thence still easterly in the same straight line to the village limits.

2. Second ward.—All that part of said village lying north of the northerly line of said first ward and south of a line commencing at the Hudson river at a point in line with the middle line of Quimby street; thence running easterly along the middle line of Quimby street, crossing Water street, to the middle line of Central avenue; thence easterly along the middle line of Central avenue to Brandreth street; thence northerly along the middle line of Brandreth street to Leonard street; thence still northerly along the middle line of Leonard street to Broadway; thence easterly along the middle line of Broadway to North Highland avenue and crossing the same to the middle line of Eastern avenue; thence easterly along the middle line of Eastern avenue to Underhill road; thence along the east side of Underhill road to the Pleasantville road; thence easterly along the Pleasantville road to the village limits.

3. Third ward.—All that part of said village lying north of the second ward and west of a line commencing at the intersection of Eastern avenue and Highland avenue, thence northerly along the middle line of North Highland avenue to Yale avenue, thence easterly and northerly along the middle line of Yale avenue to the village limits.

4. Fourth ward.—All that part of said village lying north of the northerly line of the second ward and east to the easterly line of the third ward to the village limits.

ARTICLE II.

OFFICERS AND ELECTIONS.

Section 4. **Village officers.**—The officers of said village shall consist of a president, twelve trustees, a clerk, a treasurer, a collector, a police justice, an acting police justice, a superintendent of streets, corporation counsel, and such other officers as are hereinafter named.

§ 5. **Eligibility to office.**—Any resident elector is eligible to any village office except that of president, a trustee, collector and a treasurer must at the time of his election and during his term be a freeholder within the village and also at the time of his election, the owner of property assessed upon the last preceding assessment-roll of the village.

§ 6. **Qualifications of electors.**—Every person who shall have been a resident of said village for thirty days previous to any election under this act and possesses the qualifications prescribed by law to authorize him to vote for elective officers, may vote at any election held in pursuance of this act, except that no person shall vote upon any proposition to raise a tax, or appropriate the same at any election, unless he shall at the time be a freeholder within said corporate limits; but no resident of said village shall vote for any commissioner of highways of the town of Ossining; nor for the appropriation or raising of any money for highway purposes outside the limits of said corporation in said town of Ossining. And for the purpose of carrying out this provision, the town clerk of the town of Ossining, shall provide at the annual or special town elections in and for said town, booths for each election district and ballot boxes, labeled "commissioners of highways" or "appropriations," and shall cause to be printed therefor, the necessary ballots in the form prescribed by law, and there shall be received only and deposited in the said ballot boxes, the ballots for said office or appropriations, of the qualified electors residing outside of the corporate limits of the said village, and, after canvassing the returns for the other town officers of said town the inspectors shall canvass, make and file a separate return of the votes so cast in the manner required by the general election law.

§ 7. **Terms of office.**—The terms of office of all elective officers under this act shall be one year, to commence on the Tuesday next succeeding their election, except that the term of office of the president shall be two years, and the term of office of a trustee shall be for three years. The present trustees shall hold office until the expiration of their full terms. The first election under this charter shall be held on the second Tuesday of March, nineteen hundred and seven, at which time there shall be elected from the first ward one trustee for the full term of three years, and one trustee for the term of two years, from the second ward one trustee for the full term of three years, from the third ward one trustee for the full term of three years, and from the fourth ward one trustee for the full term of three years, and one trustee for the term of two years. At the charter election to be held on the second Tuesday of March, nineteen hundred and eight, and annually thereafter, one trustee shall be elected from each of the aforesaid four wards for the full term of three years.

§ 8. **Annual elections.**—The time for holding the annual election of trustees and other officers of the village of Ossining, shall be the second Tuesday in March, in each and every year.

§ 9. **Elections; how conducted.**—All elective officers under this act shall be voted for on one ticket which shall be indorsed "charter officers," and the election for said officers shall be open continuously from eight o'clock in the forenoon to eight o'clock in the afternoon, and the said trustees shall be inspectors of election of all elections held under this act, and all laws relating to general elections of state officers as the same shall be applicable, shall be deemed to apply to all elections authorized under this act and the inspectors of all elections under this act shall have the same power and authority in all respects, as near as may be, as inspectors of elections in towns possess. The inspectors of election of each election district shall, immediately upon the closing of the polls of each annual election, proceed to canvass the votes cast thereat, and shall complete such canvass without adjournment. They shall, before nine o'clock in the forenoon of the following day, file with the village clerk their certificate setting forth the holding of the election, the total number of votes cast for each office, the number of votes cast for each person for such office, the total number of votes cast upon each proposition voted upon, and the number cast for and against it. The board of trustees of such village shall meet at its usual place of meeting, at nine o'clock in the forenoon of the next day after the election. The

village clerk shall produce at such meeting the returns of inspectors of election, and the board of trustees shall canvass such returns, and file in the office of the village clerk a certificate declaring the result. The person eligible and receiving the highest number of votes for an office shall be elected thereto. If two or more persons receive an equal and the greatest number of votes for the same office, the board of trustees shall order a new election.

§ 10. **Election districts.**—Each ward shall be a separate election district.

§ 11. **Officers elected.**—The president, trustees, treasurer and collector are elective officers and shall be elected in the manner prescribed by section nine of this act. The police justice, acting police justice, superintendent of streets and corporation counsel are appointive officers.

§ 12. **Officers appointed.**—All officers appointed shall be appointed at the first regular meeting in April, and shall take office on the first day of May following. All officers to be appointed shall be residents of the village and qualified to vote under this act. The police justice and acting police justice shall be appointed by the board of trustees for the terms and in the manner hereinafter named. The corporation counsel shall be appointed for one year. The superintendent of streets shall be appointed for the term of three years. All other appointive offices* except the chief of police and patrolmen herein provided for shall be appointed by the board of trustees at such salary and for such terms as may be fixed or determined by the said board of trustees.

§ 13. **Vacancy upon failure to accept office.**—The clerk of the village shall, within three days after the election or appointment of a village officer, notify each person elected or appointed of his election or appointment and of the date thereof, and that he is required to file his oath of office with such clerk, before entering upon the duties thereof, and, if an official undertaking be required of him by or in pursuance of law, that he is also required to file the same with such clerk, and that upon his failure so to do, he will be deemed to have declined the office. If an undertaking is required of a village officer, by or in pursuance of law, after entering upon the duties of said office, the clerk shall thereupon serve upon such officer personally, a written notice that he is required to file such undertaking with the clerk, within ten days after the service of the notice, and that upon his failure to do so, his office will become vacant.

* So in original.

§ 14. **Resignations.**—All resignations of office under this act shall be made in writing to the trustees, subject to their acceptance.

§ 15. **Vacancies, how filled.**—Whenever a vacancy shall occur in any of said offices for any cause, the said trustees shall appoint a qualified person to fill such vacancy; if an elective office, until the next annual charter election, when said vacancy shall be filled at said election for the unexpired term of such office; if an appointive office, the trustees shall appoint a qualified person to fill such unexpired term. No person shall hold more than one office either elective or by appointment under this act, and all officers shall continue to hold their respective offices until their successors shall have duly qualified under this act.

§ 16. **Special elections.**—In case of a failure to elect any elective officer the board shall appoint the time and place for holding a special election, and give notice thereof in the usual manner.

Submission of propositions; special elections.—The board of trustees may, upon its own motion, and shall, upon the petition of twenty-five electors, qualified to vote upon a proposition, cause to be submitted at a village election, a proposition upon any question which may be lawfully decided thereat. Upon the presentation of such petition, the board of trustees shall cause the proposition to be submitted accordingly. If a petition under this section be presented after the annual election and before the first day of January following, a special election shall be called, to be held not less than ten nor more than twenty days after the presentation of such petition. If a petition be presented at any other time, and more than ten days prior to the annual election, the proposition shall be submitted at such annual election. No special election shall be held in the months of February or March. Notice of a special election for the submission of a proposition shall be given in the same manner as for an annual election. Such special election shall be held by the same officers, and conducted and the result canvassed in the same manner as an annual election. All votes upon a proposition submitted at a village election shall be by ballot; and, unless otherwise provided the provisions of the election law, relating to ballots, apply to propositions submitted, under this chapter.

§ 17. **Official oath.**—All officers elected or appointed under this act shall, before entering upon the duties of their respective offices, take and subscribe the oath or affirmation of office prescribed by law.

§ 18. **Removals from office.**—Except as herein provided the trustees shall have power to remove all persons elected or appointed under this act at any time for cause shown based upon charges preferred in writing, and after a hearing to accused, and to appoint their successors, and to exercise all other powers conferred on them by this act for any purpose whatever.

§ 19. **Bonds of certain offices.**—The corporation counsel, treasurer, collector, police justice and policeman shall, severally, before they enter upon the duties of their respective offices, execute to the president and trustees of the village of Ossining, their successors or assigns, a surety company bond in such sum and with such surety company as the board of trustees shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over, according to law, all money received by them respectively, which bond with the approval of the board of trustees thereon, certified by the clerk, shall be filed with the clerk of the village, and the trustees shall have power to require of any officers appointed by them a surety company bond for the faithful performance of their duties, in such amounts as the said trustees shall approve. The board of trustees may at any time require any such officer to file a new official bond for such sum and with such surety company as the board may approve.

§ 20. **Refusal of officer to surrender his office.**—If a person who has been an officer of the village refuses or neglects to deliver to his successor in office, within ten days after notification and request, all the moneys, books, papers, records, property and effects of every description, which have come into his possession or under his control, by virtue of his office, and belonging to the village or appertaining to the office, he shall forfeit and pay to the village, the sum of twenty-five dollars for each and every day he shall so neglect or refuse, and also all damages, costs and expenses caused by such neglect or refusal.

ARTICLE III.

GENERAL DUTIES AND COMPENSATION OF OFFICERS; ORDINANCES.

Section 21. **Duties of officers; general statement.**—All officers under this act shall perform such duties as are required by the provisions of this act, and the proper and lawful resolutions of the trustees. The trustees shall have power from time to time

to prescribe the duties of all officers and persons under this act, subject to the provisions of the same.

§ 22. **Compensation of officers.**—Subdivision 1. The president and trustees shall receive no compensation for their services. The police justice shall receive fifteen hundred dollars per year, payable in equal monthly payments. The chief of police shall receive one thousand dollars per year, and the policemen shall receive as compensation for their services for the first year six hundred dollars, for the second year seven hundred dollars, and for the third year and thereafter eight hundred dollars. The compensation of police officers shall be paid in equal monthly payments.

Subdivision 2. All other officers shall receive such compensation for their services as is prescribed by this act, or as the board of trustees may fix and determine by resolution or ordinance.

§ 23. **Bi-monthly meetings of board.**—The trustees shall hold a meeting of the board for the transaction of public business on the first and third Tuesdays in every month, at which the president shall preside. In the absence of the president, they shall appoint one of their number to perform his duties. A majority of the trustees shall constitute a quorum for the transaction of business, and no contract or obligation on the part of the board of trustees shall be binding or have any legal effect whatever against the said village of Ossining, unless such contract or obligation shall receive the affirmative vote of at least seven trustees of the said board in favor of said contract or obligation. All acts and resolutions of the board are also subject to approval by the president, who may within forty-eight hours after the action or adoption of the resolution file his objections in writing, and if so filed, such acts or resolutions shall not become operative unless reapproved by the vote of a majority of the trustees.

§ 24. **Duties of president and powers.**—The president shall be the executive officer of the village, and shall have power to call special meetings of the trustees when he shall think proper, or when requested to do so by any two of the trustees; preside at all meetings of said trustees, to give a casting vote on any question on which the votes of the trustees are equally divided; shall appoint all standing committees and other committees of said trustees, as shall be required by any ordinance or resolution of said trustees; to sign, as such president, all by-laws, rules, regulations, ordinances, orders, bonds, appointments, deeds, covenants and

contracts made by the trustees in behalf of said corporation, in all cases where, in his judgment, such instruments are not inconsistent with the provisions of this act; to see that all by-laws, rules, orders, regulations and ordinances, lawfully made by the trustees, are carried into effect, and duly executed; to give proper notice of every annual or special meeting of the inhabitants of said village, held under the authority and for the objects specified in this act; to preside at all such meetings thus convened; to collect or cause to be collected, all fines, penalties and forfeitures incurred under this act, or any rule, by-law, order, regulation or decision made in pursuance thereof by suit or otherwise, and to commence and prosecute all such suits in the name of the corporation, as shall be ordered or directed by the trustees; to pay all moneys that shall come into his hands for the use of said corporation to the treasurer thereof, and to take his receipts therefor; to sign and direct the payment of all accounts and demands against the said corporation that have been audited and allowed by said trustees, and all other legal drafts and demands upon the treasurer of said village, and to do all such other acts and things as may appertain or belong to the duties of such presiding officer, or which the said trustees may legally require him to do. The president shall also have the power to veto the acts and resolutions of the board of trustees as hereinbefore provided.

§ 25. Duties of treasurer and compensation.—The treasurer shall receive all moneys collected for licenses, permits, fines or penalties, paid under this act (except the moneys or taxes collected under the provisions of chapter one hundred and seventy-seven of the laws of eighteen hundred and eighty-seven, and the acts amendatory thereof for the board of water commissioners of said village), and pay out said money under the direction of said trustees, and shall deliver all moneys, books, papers and property of the corporation, in his hands, to his successor in office on demand; no money shall be paid by the treasurer for any purpose unless directed and appropriated by a previous vote of the trustees, to be paid with a draft of the clerk, countersigned by the president of the said village for the time being, and the treasurer, in his settlement with the trustees, shall be allowed for no moneys, except such as are paid out as above, and shall receive for his compensation an annual salary of six hundred dollars, payable in equal monthly payments, which compensation shall be ordered paid by said trustees, on inspection of his accounts, if the same are found correct.

§ 26. **Annual statement of treasurer and finance committee.**—It shall be the duty of the treasurer on the first Tuesday of February in each year, to make and file with this board an itemized statement of his accounts showing the amount of moneys received by him and the manner in which he has paid out or expended the same, which statement shall be verified by him. The said statement and report of the finance committee shall be published in the two official newspapers once a week for the two weeks preceding the annual charter election.

§ 27. **Powers, duties and compensation of collector.**—The collector of said village shall have and possess all the powers that collectors of towns possess in the collection of taxes and assessments under this act, and shall receive for his compensation an annual salary of six hundred dollars, payable upon completion of his work.

§ 28. **Payments by collector.**—Subdivision 1. **To water commissioners.**—The said collector shall pay all moneys or taxes collected for the board of water commissioners of said village to the treasurer of the said board of water commissioners, and take his receipt therefor, and file the same with the clerk of said village, within thirty days from the date of collecting said tax.

Subdivision 2. **Payments to treasurer.**—The said collector shall pay the residue or balance of all taxes or assessments collected, except the above water tax, to the treasurer of the village as hereinafter specified, and the money when collected and paid to the treasurer shall be applied to and kept separate and paid for the purpose for which such assessment was made under the direction of said trustees.

§ 29. **Duties of clerk and compensation.**—The clerk shall attend at his office daily from nine o'clock in the forenoon until four o'clock in the afternoon, and from seven o'clock in the afternoon until nine o'clock in the afternoon. He shall attend and act as clerk at all meetings and elections of the inhabitants and trustees, record their proceedings, keep all books and papers, and the seal of the corporation, and deliver the same to his successor on demand, and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees or police court certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced; and for certifying the same he shall be entitled to receive ten cents per folio from the person requiring the same.

The books and papers under his custody and control shall always be produced for inspection to any person that may be interested therein. He shall attend to the publication of by-laws, rules, ordinances, and notices which the trustees shall direct; notify all persons of their election or appointment to office under this act, and perform such other duties as the trustees may, from time to time, lawfully direct. He shall also furnish the treasurer of said village immediately after each meeting at which any drafts have been ordered upon the treasury a list of the names and amounts of such drafts, and to what fund charged and payable from. Under the direction of the trustees, the clerk shall also keep a complete set of books which shall show the exact financial condition of the corporation, and said books shall be open to the inspection of all inhabitants and taxpayers at all reasonable times. He shall also act as clerk of the police court as hereinafter specified. In case of the absence of the clerk from any meeting of the inhabitants of said village, authorized by this act, or of said trustees, such persons as shall be chosen or appointed therefor by the trustees, shall on such occasions perform the duties appertaining to such clerk. For his services as clerk of the village the clerk shall receive an annual salary of seven hundred and fifty dollars, payable out of the general expense fund, and for his services as clerk of the police court he shall receive an annual salary of seven hundred and fifty dollars, payable out of the police fund, said salary shall be payable in equal monthly payments.

§ 30. **Duties and compensation of superintendent of streets.**—The superintendent of streets shall have charge of all work or improvements on the streets of said village, and of the hiring and discharging of employees thereon, and all sewer and water connections, and street openings shall be done under the order of and in the manner prescribed by the said street superintendent, and shall perform such other duties as the board of trustees may direct. He shall receive for his compensation an annual salary of one thousand dollars, payable in equal monthly payments.

§ 31. **Duties of corporation counsel.**—It shall be the duty of the corporation counsel to appear for and prosecute and defend all suits, actions, or legal proceedings of any kind brought by or against the village, or against any of the legally elected or appointed officers or agents of the village, for acts done while in the discharge of their respective official duties, and to prosecute

on complaint of any of the village officers any and all persons or* violations of the charter and the ordinance of the village and the board of health. It shall also be the duty of the corporation counsel to advise in writing any village board or officer, including the board of health, whenever so required. But said counsel shall have no power or authority to settle, discontinue or compromise any pending suit, action or legal proceedings of any kind, nor to compromise or absolutely relieve any person from liability to pay any penalty for violation of the charter, or of any of the ordinances, without first being authorized to do so by the board of trustees.

§ 32. **Ordinances.**—The trustees shall have power and authority within the village to make, establish, publish, alter, modify, amend and repeal rules, resolutions, regulations, ordinances and by-laws, for the following purposes, namely:

1. To prevent vice and immorality; to preserve peace and good order; to quell and prevent any noise, disturbances, riots and disorderly assemblages or meetings; to restrain and suppress disorderly houses, houses of ill-fame, gaming houses, and instruments and devices for the purpose of gaming and sleight-of-hand and performances which are obnoxious.

2. To regulate auction sales, and fix a license fee for the same, except that no license shall be necessary for the sale at auction of any real estate or furniture or household goods.

3. To regulate or prohibit any amusement or practices having a tendency to annoy persons passing on streets or sidewalks, or to frighten or interfere with teams or horses in said village; and to regulate or prevent the firing of guns, pistols, firearms, and the use or firing of crackers, rockets, squibs and fireworks in said village.

4. To regulate or determine the time and place of bathing in any of the waters within the corporate bounds of the village, or adjacent thereto, and to prevent the same.

5. To restrain running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and costs of proceedings, and to appoint one or more persons to drive any of the aforesaid animals so running at large to the pound, and to determine their fees and duties; and to regulate and prevent the running at large of dogs owned by persons residing in the said village.

* So in original.

6. To prevent horse-racing, immoderate riding or driving within the limits of said village, and to authorize the stopping of any one who shall be guilty of such immoderate riding or driving in said village.

7. To prevent and remove all incumbrances, obstructions and encroachments, from any cause whatever, upon the public streets, alleys, bridges, public squares or grounds, sidewalks or crosswalks or gutters of said village, and to cause the streets to be cleaned.

8. To compel all persons to remove snow, ice and dirt and to cut down and remove all growing grass and weeds upon the sidewalks and gutters adjoining and opposite the lands owned by them.

9. To compel an owner or occupant to cleanse, remove, abate or discontinue any unwholesome house or place whenever such action may be necessary for the health, comfort or convenience of the inhabitants of said village.

10. To regulate slaughter houses, to direct or prevent the use or location of the same, and to abate nuisances generally.

11. To regulate the keeping and conveying of gunpowder and other combustibles and dangerous materials.

12. To regulate or prohibit the ringing of bells or other noises.

13. To sanction or prohibit, in their discretion, all exhibitions of any natural or artificial curiosities, caravans of animals, circuses, theatrical and other shows, exhibitions, performances, skating rinks or other public places of amusement and places where an admission fee is charged in money or value, either directly or indirectly; or license the same on such terms as said trustees may deem proper. But nothing in this section shall be construed to prevent the delivery of literary, historical or scientific lectures in said village, the use and exhibition of apparatus illustrating the same, and the receiving of money for the same, nor shall any license be required for the delivery of such lectures.

14. To regulate the sale of goods, wares and merchandise by nonresidents and others, in hawking or peddling by vehicles or otherwise, of goods, wares and merchandise in or upon the public streets or highways of said village, and to prescribe and establish a fee to be paid therefor, but this shall not apply to persons selling or disposing the produce of their own farms, or to the selling or peddling of milk.

15. To cause to be removed all overhanging signs, awnings and awning posts or other obstructions, and to prevent the deposit of any garbage, ashes, decayed vegetables, fish, oyster or clam shells, or any other matter upon the sidewalks, gutters, streets, alleyways, or other public places within said village.

16. To establish fire limits in said village, and to prohibit or regulate the erection of any wooden building or structure within said village.

17. To grade, pitch, level and repair, construct, make, amend or relay, or cause the same to be done, any street, gutter, lane, alley, road or highway, sidewalks, bridges, drains, sewers, or aqueducts, either with plank, stone, brick, dirt, gravel or otherwise, as said trustees may determine, and to provide for the planting or setting and protecting of ornamental or shade trees in any public squares, grounds or streets in said village, and to regulate the tapping of sewers, reservoirs and gas mains, and the tearing up of pavements, gutters, walks and road-beds in the streets of said village.

18. To regulate or prohibit the riding of bicycles, driving or leading horses, teams, cattle or vehicles on any of the sidewalks of the village of Ossining.

19. To regulate or prohibit all manner of exhibitions or processions on foot or by vehicles on any of the streets, sidewalks or public places within the village of Ossining.

§ 33. **Ordinances continued; how adopted and penalties.**—The trustees of said village may make, publish, ordain, amend, revise and repeal all such ordinances, by-laws, rules or regulations, as may be necessary to carry into effect the powers given to said trustees under this act and to enforce the same by imposing fines or penalties on persons or corporations violating the same, not exceeding for any one offense the sum of fifty dollars, or imprisonment in the county jail, not exceeding six months. Every such ordinance shall be signed by the president and clerk and published two weeks successively in the two official papers published in said village and proof of such publication by the affidavit of the printer and publisher of each of said newspapers, taken before the clerk of said village or any officer authorized to take oaths, and filed with said clerk, or any other competent proof of such publication, shall be evidence of the legal publication of such ordinances in all courts and places.

§ 34. General powers and duties of the board of trustees.—The board of trustees—

1. **Buildings to be kept in repair and insured.**—Shall keep all buildings and other property of the village in repair, and may cause the same to be insured against loss or damage by fire.

2. **Village lands.**—May purchase, hold and convey real property in the name of the village, in addition to that named in section two of this act, but only after the adoption of a proposition therefor at a village election. Every conveyance by the village shall be executed in its corporate name, by the president in pursuance of a resolution of the board of trustees.

3. **Village buildings.**—May erect and maintain upon village lands, or may rent and furnish, necessary buildings for holding elections, for the use of the village officers, or for other necessary village purposes, and may furnish necessary books, stationery and other supplies for village officers.

4. **Lock-up.**—May erect and maintain a lock-up, or designate a place for the detention of persons arrested under this chapter or under any ordinance of the village.

5. **Market.**—May prohibit the establishment of a public market in the village, except at such places as it may designate.

6. **Official papers.**—Shall designate the two newspapers in the village, having the largest circulation, representing the two political parties which polled the largest vote at the last preceding general election for the publication of a notice, resolution or ordinance required to be published, and such designation shall be deemed a designation thereof as the official papers for the purpose of such publication. The fees of the official papers shall be fixed by the board at a rate not exceeding seventy-five cents per folio.

7. **Village map.**—Shall cause a map of the village to be made and kept on file with the clerk, showing the boundaries of the village and the names and boundaries of all streets and public grounds therein; also the location of all sewers, hydrants, water pipes, and all underground pipes and works belonging to the village, and shall, when necessary, cause such map to be revised, corrected and renewed.

8. **Elections.**—Shall call all annual or special elections and state the objects thereof.

9. **Public pound.**—May establish and maintain a public pound and employ a keeper thereof, and fix his compensation, and the fees to be charged by him.

10. Village clock and scales.—May establish and maintain a village clock and scales for the public convenience, and fix the dues for the use of such scales.

11. Drains.—May construct drains and culverts, and regulate water courses, ponds and watering places within the village.

12. Water supply.—May establish, regulate and repair public reservoirs, aqueducts, pumps, wells, fountains and watering and drinking places.

13. Lighting streets.—May provide for the lighting of the streets and the safety of the lamps.

14. Stand for vehicles.—May designate stands for hacks, carriages and other vehicles.

15. Banks of deposit.—Shall designate banks for the deposit of all moneys received by the treasurer, and may require of any such bank security for the repayment thereof; and may require a report by the cashier thereof to each regular meeting of the board of the amount on deposit to the credit of the treasurer.

16. Auditing bills.—Shall audit all bills and accounts and all claims for damages against the village, but no bill or account against the village for property purchased, materials furnished, services rendered, or disbursements, shall be audited or paid, nor shall an action be brought thereon unless such bill or account shall be made out in items, and properly dated with an affidavit attached thereto by the person, or one of the persons, or an officer of a corporation, presenting or claiming the same, that the items of such bill or account are correct, that the services and disbursements charged therein have been in fact rendered or paid, and that no part thereof has been paid or satisfied by the village. The board shall cause to be entered upon its minutes the amount claimed, the amount allowed, and the fund from which each amount allowed shall be paid. No action shall be brought upon any such bill or account within thirty days from the time the same was presented to the board of trustees.

17. Parades of fire department.—May provide for the public inspection and parade of the fire department at an annual expense, including the hiring of a band, not exceeding two hundred dollars.

18. Dumping grounds.—May, whenever in its judgment the interest of the village may require it, purchase or acquire by condemnation proceedings, lands for the establishment of a public dump or dumping ground in the village, and may prohibit the use of any other lands within the village for such purposes, and employ a keeper of said dump, and fix his compensation.

19. **Garbage.**— May provide for the removal and disposal of ashes and garbage, dead animals and general refuse matter and appropriate therefor, in addition to the general tax levy, an amount not exceeding twenty-five hundred dollars.

§ 35. **President and trustees not to be interested in contracts; penalties.**—Neither the president nor any member of the board of trustees shall be interested either directly or indirectly, in any contract to which the village is a party; and any president or trustee who shall violate the provisions of this section, shall be deemed guilty of misdemeanor, and upon conviction, shall be punished by imprisonment in the county jail not less than thirty days, nor more than three months, and by a fine not to exceed two hundred and fifty dollars.

§ 36. **Liability for unauthorized contracts.**—Any president or trustee of said village who shall contract any debt or liability against the village except in the manner specified in this act shall be individually liable to pay the same to any person or persons with whom such contract may be made or to any person to whom the said debt or demand may have been assigned, but no such president or trustee shall have any action at law or in equity or redress against said village for any debt or liability paid by them, or either of them on account of such claim or demand.

ARTICLE IV.

FINANCE.

Section 37. **The fiscal year.**— The fiscal year begins on the first day of March and ends on the last day of February. No expenditures shall be made, nor indebtedness incurred by the village during the month of March except for current expenses.

§ 38. **Control of finances.**— The trustees shall have the management of and control of the finances and of all property, both real and personal, belonging to the corporation.

§ 39. **Annual taxes.**— The said board of trustees are empowered to assess, levy and collect upon the real and personal property within the limits of said village the following taxes and assessments, namely:

1. A sum not to exceed thirty-five thousand dollars in any fiscal year, to be expended to defray the general expenses of the said village.

2. Such sum or sums of money as may be necessary to pay the

interest on any or all highway improvement bonds, and the principal thereof at maturity.

3. Such sum or sums as may be necessary to pay the interest on any or all sewer bonds, and the principal thereof at maturity, and such further sums as may be required for the necessary repairs of said sewers.

4. The amount required for the maintenance of the police department which shall be determined and fixed by the said board at the first regular meeting after the annual charter election.

5. The several amounts of moneys to be assessed, levied and collected for sewers, macadamizing, paving and improving the streets of said village, or other local improvements.

6. An additional tax exceeding the several amounts before mentioned may be authorized by a majority vote of the taxable inhabitants of said village, qualified to vote therefor, voting at any election called for that purpose. The object of said tax and the amount thereof shall be specified on the ballot.

7. The amount required for the removal of garbage and other matter, as provided for in section thirty-four, paragraph nineteen, of this act, not to exceed two thousand five hundred dollars.

§ 40. **Apportionment of tax.**—Whenever any tax shall have been directed to be levied, the trustees shall apportion the same among the taxable inhabitants and corporations of the said village, and the nonresident owners of property therein, in conformity, as nearly as practicable, with the provisions of law in respect to the assessment of taxes by town assessors, and when the assessment-rolls shall have been reviewed and completed it shall be the duty of the trustees immediately thereafter to deliver the same to the village collector with their warrant, under the hands of a majority of them, to be directed to said collector, commanding him to levy and collect the amount of such tax in the same manner as warrants issued by the board of supervisors to the collectors of the towns, and to make return thereof and to pay over the money as provided by this act.

§ 41. **Annual assessment-roll.**—The trustees shall on or before the first Tuesday of June prepare an assessment-roll of the persons and property taxable within the village in the same manner and form as is required by law for the preparation of a town assessment-roll.

§ 42. **Meeting of trustees to hear complaints.**—The trustees shall, at least one week before the first Tuesday in June in each

year, cause a notice to be published in the two official newspapers published in the village, and posted in at least five conspicuous public places in the village, that on such first Tuesday in June, at a specified place and during two consecutive hours to be named they will meet for the purpose of completing the assessment-roll, and of hearing and determining complaints in relation thereto, and they may adjourn such meeting from day to day, not later than Saturday then next succeeding. The village trustees possess all the powers and are subject to all the duties of town assessors in hearing and determining complaints as to assessments.

§ 43. **Completion and verification of assessment-roll.**— When the trustees or a majority of them shall complete the village assessment-roll they shall severally make, subscribe and attach to such roll an oath in substantially the same form as is required of town assessors by the tax law. The roll as so completed and verified shall be filed with the village clerk on or before the second Tuesday in June.

§ 44. **Failure to hold meeting.**— If the meeting for completing the village assessment-roll and hearing complaints in relation thereto is not held on the first Tuesday in June, each of the trustees shall forfeit to the village ten dollars, and they shall, by resolution, fix another time therefor, and give notice thereof, at least ten days prior thereto by publication thereof, in the same manner as for the first meeting, and by posting copies thereof in at least five conspicuous places in the village. The trustees shall meet accordingly at the time and place appointed, shall hear complaints, complete the assessment-roll, and file the same on or before the fourth day after such meeting, in the same manner as near as may be as if their annual meeting had been held as required by law. If the completed assessment-roll shall not be so filed on or before the fourth day after the meeting for completing the same and hearing complaints in relation thereto, in either case, the assessment shall not on that account be invalid, but such roll shall be filed in like manner as soon as may be thereafter, and each trustee shall forfeit to the village five dollars for each day of such neglect.

§ 45. **Notice of completion of annual assessment-roll.**— Upon completing and filing the annual assessment-roll, and on or before the second Tuesday of June the trustees shall cause notice thereof to be published at least once in the two official papers, and copies of such notice posted in not less than five public places in the village, specifying the date of filing, and that the same will remain

on file with the clerk, subject to public inspection, for fifteen days after the date of such notice.

§ 46. **Certiorari to review assessment.**—An application for a writ of certiorari to review the assessment-roll may be made within such fifteen days in the manner provided by the tax law.

§ 47. **Special assessment and levy.**—If the board of trustees is authorized by a special election to levy a special tax, the clerk shall forthwith prepare a copy of the annual assessment-roll, and the same shall be revised and corrected by the board of trustees as shall be just, for the purposes of the assessment of such tax upon the taxable property and persons of the village, and as so corrected and revised shall be filed with the clerk on or before the second Tuesday after such special election. Thereupon the like proceedings shall be taken, as nearly as may be, for completing such assessment-roll, hearing and determining complaints in relation thereto, which must be on a notice of not less than five nor more than ten days, filing the roll when completed, giving notice thereof, and levying the special tax so authorized, as in the case of the annual assessment-roll and the levy of the annual tax.

§ 48. **Lien of tax.**—An annual or special tax is a lien prior and superior to every other lien or claim, except the lien of an existing tax or local assessment on real property upon which it is levied from the date of the delivery to the collector of the warrant for the collection thereof, until paid or otherwise satisfied or discharged.

§ 49. **Lien of assessment for local improvement.**—An assessment for paving, sewers, fire protection, constructing or repairing sidewalks, sprinkling streets, trimming trees, or keeping sidewalks or streets cleared of weeds, ice, snow or other accumulations, is a lien prior and superior to every other lien or claim, except the lien of an existing tax or local assessment, upon the real property improved or benefited, from the date of the final determination of the amount thereof, until it is paid or otherwise satisfied or discharged. No real property is exempt from assessment for a purpose specified in this section, except as provided in section five of chapter two hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defence of the union" as amended in chapter two hundred and ninety-nine of the laws of eighteen hundred and eighty-eight.

§ 50. **Warrant to collector.**—Upon the completion of the tax levy, the clerk shall deliver to the collector one of the duplicate rolls, with a warrant thereto annexed, signed by the president and attested by the clerk, under the corporate seal of the village, containing a summary statement of the purposes for which the taxes are levied, the amount thereof for each purpose, and the total amount for all purposes, and commanding the collector to collect the taxes therein levied, and to return said warrant and roll to the clerk within sixty days after the date of the warrant, unless the time shall be extended. The collector shall give a receipt to the clerk for the warrant and assessment-roll delivered to him. The board of trustees may extend the time for the return of the warrant to thirty days beyond the first sixty, or issue new warrants and such extension shall not affect the validity of the bond given by the collector and his sureties.

§ 51. **Collection of taxes by collector.**—Upon receiving the assessment-roll and warrant the collector shall cause a notice to be published at least once in the two official papers, and also in each other newspaper published in the village, and posted conspicuously in five public places in the village, stating that on six days specified therein, not less than nine nor more than twenty days after the publication and posting thereof, he will attend at a convenient place in the village, specified in the notice, for the purpose of receiving taxes. At least seven days before the first date fixed in such a notice, the collector shall serve a copy thereof upon each corporation named in or subject to taxation upon the assessment-roll, and whose principal office is not in the village, by delivering such copy to a person designated by the corporation for that purpose by a written designation filed with the village clerk, or to any person in the village acting as the agent or representative in any capacity of such corporation. If there is no such designated person or agent in the village, service of such notice upon the corporation shall not be required. Any person or corporation not paying taxes within twenty days from the date of the notice, shall be charged with a penalty of five per centum for the use of the village. After the expiration of such twenty days the collector shall proceed to collect the taxes remaining unpaid, and for that purpose he possesses all the powers of a town collector. The laws relating to town collectors shall also, so far as consistent with this chapter, apply to the collection of village taxes.

§ 52. **Return of collector; payment of taxes to treasurer.**—The collector shall pay all taxes received by him, except as hereinbefore provided, as soon as practicable after receipt thereof, to the treasurer, and, upon the expiration of the time fixed therefor, shall deliver the roll and warrant to the clerk and make and file with him a return, in accordance with the directions of the warrant, showing the total amount of tax paid and each tax unpaid, with the receipt of the village treasurer and board of water commissioners for all taxes paid to him. The clerk shall thereupon deliver to the treasurer a statement showing the unpaid taxes returned by the collector. All taxes so returned unpaid shall be increased five per centum, and, if remaining unpaid for thirty days after such return, shall bear interest at the rate of ten per centum per annum, from the time of their return as unpaid by the collector to the time of their subsequent payment; and such tax and increase may be paid to the treasurer at any time after such return and before a sale for such unpaid tax of any real property upon which the same may be assessed; but if paid after a notice of sale has been given, as provided in the article, the expense of such notice shall be added to the amount of the tax.

§ 53. **Return and assessment-roll as evidence.**—The return of unpaid taxes by the collector or a copy thereof certified by the clerk under the corporate seal, shall be presumptive evidence of the facts stated therein. An assessment-roll filed with the clerk, or a copy of the same, or any part thereof, certified by him under the corporate seal, shall be presumptive evidence of the contents thereof, of the regularity of the assessment, and of the right to levy such tax.

§ 54. **When real property to be sold for unpaid tax.**—If a tax assessed upon real property on an annual or special assessment-roll be returned by the collector as unpaid, the board of trustees may direct the treasurer to sell an interest in such property for the unpaid tax in the manner herein prescribed. If such sale be directed, the clerk shall deliver to the treasurer a certified copy of the assessment upon such property, and all entries relating thereto contained in the assessment-roll. Upon receiving such statement, the treasurer shall proceed to sell at public auction an estate in such real property for the shortest period not exceeding fifty years, for which any person will take such property, and pay the tax and the percentage and interest then due,

together with the expenses of the sale, which shall include giving the notice of the sale.

§ 55. **Notice of sale.**—Notice of sale shall be published in each newspaper published in the village once in each week for at least four consecutive weeks, and posted in at least five conspicuous places in the village, and a copy thereof served as prescribed in section one hundred and fifty-six of this act on the owners of such real property at least three weeks before the sale. The notice of sale shall contain a brief description of the property and a brief statement of the facts authorizing the sale, and the time and place thereof.

§ 56. **Certificate of sale.**—All such sales shall be for cash, and upon payment by the purchaser, the village treasurer shall deliver to him a certificate of the sale, signed and acknowledged in the same manner as a deed to be recorded, stating the amount paid by the purchaser, the date of sale and payment, and a description of the real property sold. The certificate of sale may be recorded in the Westchester county register's office in the same manner and with the same effect as a deed, and if so recorded within two years after the tax became a lien on the property, the recording of such certificate shall have the same effect as the recording of a deed, to give the certificate priority over every interest therein or lien thereon acquired subsequent to the lien of the tax; but, unless such certificate is recorded within such time, it shall be void as to such other interest or lien.

§ 57. **Purchaser entitled to possession.**—Upon the receipt and recording of such certificate, the purchaser or other owner of the certificate shall be entitled to immediate possession and enjoyment of such real property as against all persons having any title to, interest in, or lien upon the property at the time the tax became a lien thereon, and against all persons deriving any title to, interest in, or lien upon, such property, while the tax was a lien thereon, and to retain possession thereof during the existence of the estate purchased, unless such real property is redeemed from such sale.

§ 58. **Enforcement of right to possession.**—The purchaser or other owner of the certificate may enforce his right to possession by summary proceedings, in the same manner as a landlord against a tenant holding over after expiration of term. The purchaser or other owner of the certificate may, before the expiration

of the estate purchased, remove all buildings and fixtures which he has erected or placed thereon during its existence, which can be removed without permanent injury to the premises.

§ 59. Village may bid in property; rights of village.—If there be no other bidder, the treasurer shall bid in the property for the village for the term of fifty years, and a certificate thereof shall be issued accordingly. Thereupon the village has all the rights of a purchaser for such term. Immediately upon the purchase of such property by the village, the president shall take possession thereof and hold, manage, lease or otherwise control the same. He may in the name of the village, institute and maintain summary proceedings to obtain possession of such property in the same manner as upon the sale of real property upon execution. The treasurer shall open an account with such property, and shall charge to the same the amount of taxes, fees, interest and expenses of the sale, and shall also add all sums subsequently levied upon the property by tax or local assessment and remaining unpaid. The president shall pay to the treasurer during each fiscal year the net amount received from such property, which amount shall be credited in the account. Upon payment to the treasurer of the amount of the taxes or assessments charged against such property, together with the interest at the rate of ten per centum per annum from the time of the sale or the return of a subsequent unpaid tax or assessment, after deducting any credits appearing in the account, the president shall on demand execute and deliver to the person making such payment, an assignment of the certificate of sale, or a satisfaction thereof, as may be required. Whenever the amount received from the use of such property equals the taxes, assessments, expenses and interest then due, the right of the village in such property shall cease and determine, and the president shall thereupon execute and deliver to the owner of the property a release and satisfaction of the interest of the village therein. If upon the execution of an assignment of the certificate, or of a release or satisfaction, a surplus derived from such property remains in the treasury, it shall be paid upon the order of the board of trustees to the person entitled thereto, on demand.

§ 60. Redemption from sale by owner.—A person who at the time of the sale was the owner of the property, or of a vested interest therein, or a lessee thereof, or his assigns, may redeem from the sale, either by paying to the owner of the certificate of

sale other than the village, or by depositing with the treasurer for his benefit, the amount paid by the purchaser on such sale, with interest thereon at the rate of ten per centum per annum from the time of the sale to the time of deposit, and the fees lawfully paid to the county register for recording the certificate or any assignment thereof. If such payment be made to the owner of the certificate he shall thereupon execute and deliver to such person making the payment a written cancellation or receipt of the certificate of sale duly acknowledged in the same manner as a deed to be recorded, and specifying the date of the sale, the amount paid thereon, the purchaser thereat, and the property sold. If such payment be made to the treasurer, he shall deliver to the person making it, a written receipt acknowledged in like manner and containing the like specifications. The recording of such cancellation or receipt in the office of the register of the county of Westchester shall effect a cancellation of such certificate of sale.

§ 61. **Actions to recover unpaid taxes or assessments.**—After the lapse of thirty days from the return of the collector, an action may be maintained, as upon contract, by the village, to recover the amount of an unpaid tax or assessment, together with five per centum thereof, and interest from the time of such return at the rate of ten per centum per annum. A judgment in such action for any amount, when docketed in the office of the county clerk shall be a lien upon the real property of the defendant. Supplementary proceedings may also be taken for such tax in accordance with the provisions of the tax law.

§ 62. **Public vehicle tax.**—Every person who shall be engaged within the corporate limits of the village of Ossining during any part of the year in the running of public carriages, cabs, hacks, carts, drays, express wagons or other vehicles for the transportation for hire of persons or property, must obtain a license from the board of trustees and pay therefor the sum of one dollar per year, which license tax shall be collected under the direction of said trustees and shall be applied and appropriated by them to the work and repairing of the streets and bridges in the said village.

§ 63. **Exemptions from town tax for highways.**—All property within the corporate limits of said village shall be exempt from all assessments or damages, arising under the highway law, relating to highways outside of the said corporate limits, or from all appropriations or other moneys raised or required for highway purposes outside the limits of said village by any law.

§ 64. **Tenants liable for tax.**—The person or corporation in possession as tenants of any real estate shall be liable to pay the taxes assessed thereon, and shall have the right to collect the amount of the owner unless by agreement the occupant is bound to pay the same.

§ 65. **Certificates of indebtedness.**—The said board of trustees, in anticipation of the raising or levying of any tax or assessment under this act within the fiscal year, are hereby authorized and empowered to issue, or cause to be issued, tax or assessment certificates of indebtedness, signed by the president and clerk, with the corporate seal attached thereto, in such amounts as may be required, and for a term not exceeding six months from the date thereof, and to bear interest at the lowest rate obtainable, provided, however, that no such certificates shall be issued unless the same shall have received the votes of seven of said trustees authorizing the same.

ARTICLE V.

STREETS, SIDEWALKS AND PUBLIC GROUNDS.

Section 66. **Village a separate road district.**—The territory within the corporation limits of said village is hereby declared a separate road district exempt from the jurisdiction and superintendence of the commissioners of highways of the town of Ossining, and the trustees of said village shall be commissioners of highways for the same, and for such purposes shall possess and have all the powers possessed by commissioners of highways of towns, under article four, of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, known as chapter nineteen of the general laws and the several acts amendatory thereof, so far as the same can be made applicable thereto, and the clerk of said village shall possess and perform all the powers and duties of the town clerk therein.

§ 67. **Contracts to lowest bidder.**—Except as otherwise provided by this act, all permanent public improvements to the streets, highways, bridges, reservoirs, sewers, public wells or cisterns, or any other public improvement where the cost thereof shall, upon the proper estimate given, exceed the sum of five hundred dollars, shall be done and performed by contract to the lowest bidder therefor; provided, however, that the trustees may reject any bid not considered to be for the best interest of the said village to receive, and the person or persons, to whom said contract shall be awarded, shall enter into a bond with said trustees to be approved by them in a certain sum of money for the faithful performance of such contract.

But such public improvement shall not apply to the ordinary work and repair of the streets.

§ 68. **Definitions.**—The term “street” as used in this chapter also includes a highway, road, avenue, lane or alley which the public have the right to use; and the term “pavement” includes a macadam, telford, asphalt, brick or other similarly improved roadbed, and is only applied to the portion of the street between the sidewalks or established curb lines.

§ 69. **Dedication of streets.**—An owner of land in the village who has laid out a street thereon may dedicate such street, or any part thereof, or an easement therein, to the village for a public street, or an owner may dedicate for such purpose land not laid out as a street. Upon an offer in writing by the owner to make such a dedication, the board of trustees shall meet to consider the matter; and it may, by a resolution, determine to accept a dedication of the whole or any part of the land described in such offer, or of the whole or any part of such street, to be described in such resolution. Upon the adoption of such a resolution the owner may execute and deliver to the village clerk a proper conveyance of the land to be dedicated. The board of trustees may, by resolution, accept the conveyance, and a certified copy of such resolution, together with the conveyance, shall thereupon be recorded in the office of the county register. Upon the acceptance of the conveyance the land described therein shall become and be a public street of the village. No street less than two rods in width shall be accepted by dedication. All offers of dedication must be entered at length in the minutes of the board of trustees.

§ 70. **Petition for street improvement.**—Five resident freeholders may present to the board of trustees a petition for laying out, altering, widening, narrowing or discontinuing a street in the village. The petition must be addressed to the board of trustees and must contain a statement of the following facts:

1. The names and residence of the petitioners.
2. If the petition be for the laying out of a street, the general course thereof, and a description of the land, if any, to be taken.
3. If the petition be for the alteration of a street, its name, the proposed alteration, and a description of the land, if any, to be taken.
4. If the petition be for the widening of a street, its name and a description of the land to be taken.

5. If the petition* for the narrowing of a street, its name, its proposed width after such alteration and the manner in which such narrowing is to be effected.

6. If the petition be for the discontinuance of a street, its name and the part proposed to be discontinued.

7. If the petition be for the laying out, alteration or widening of a street, the names and residences of the owners of all land to be taken.

8. If the petition be for the narrowing or discontinuance of a street, the names and residences of the owners of adjoining lands affected.

§ 71. Notice of meeting of board to consider petition.—Upon the presentation of the petition the board shall immediately give notice that it will meet at a specified time and place, not less than ten nor more than twenty days from the date of such notice, to consider the petition. The notice must state the general object of the petition, and if it be for the laying out of a street, a general description of its proposed course, and in any other case, the names* of the street proposed to be changed or discontinued. The notice must be served upon the following persons, unless such service be waived by them in writing:

1 If the petition be for the laying out of a street, upon each owner of land to be taken.

2. If the petition be for the alteration or widening of a street, upon each owner of land, if any, to be taken, and each owner of land adjoining the part of the street affected.

3. If the petition be for the narrowing of a street, upon each owner of land adjoining the part of the street affected.

4. If the petition be for the discontinuance of a street, upon each owner of land adjoining the part of the street proposed to be discontinued, and also upon the owner of land otherwise affected by the proposed discontinuance. If a person other than the owner is in possession of such land, notice must also be served upon him. Such notice shall also be published in each newspaper in the village, and posted in five conspicuous places therein. The notice must be served, posted and published at least ten days before the hearing.

§ 72. Meeting and determination of board.—The board shall meet at the time and place specified in the notice to consider the petition and also any objections thereto. A person affected by the proposed improvement, and upon whom notice has not

* So in original.

been served, may appear upon the hearing. A voluntary general appearance of such person is equivalent to personal service of the notice upon him. The board may adjourn the hearing, and must determine the matter within twenty days from the date fixed for such hearing. If the board determine to grant the petition an order must be entered in its minutes containing a description of the land, if any, to be taken.

§ 73. *Effect of determination.*—The determination by the board has the following effect:

1. If the petition for the laying out, alteration or widening of a street be granted, the board of trustees may acquire the land for such improvement by purchase or by proceedings under this article. But no street shall be laid out through a building or any fixtures or erections for the purposes of trade or manufacture, or any yard or enclosure necessary to be used for the enjoyment thereof, without the consent of the owner, except upon the order of a justice of the supreme court residing in the second judicial district, to be granted upon an application by the board of trustees on a notice to the owner of not less than ten days.

2. If the petition for the narrowing of a street be granted, the board shall enter upon its records a description of the street after such narrowing, and the portion of the former streets not included in such descriptions is abandoned.

3. If the petition for the discontinuance of a street be granted, such street or the part thereof so discontinued, is abandoned.

§ 74. *Application for commissioners; notice of application.*—If a petition for the laying out, alteration or widening of a street be granted, and the board can not agree with an owner upon the purchase price of land necessary to be acquired, an application may be made by the board to the county court for the appointment of three commissioners to determine the compensation to be made to such owner. At least ten days before the making of such application a notice specifying the time and place thereof must be served upon such owner.

§ 75. *Appointment of commissioners.*—Upon such application the county court must appoint as such commissioners three resident disinterested freeholders of the county in which such land is situated, not residents of the village, nor nominated by a person interested in the proceeding. In case of a vacancy another commissioner may be appointed in like manner. The order of appointment must contain the name of each person whose compensation is to be determined by the commissioners.

§ 76. **Notice of meeting of commissioners.**—The commissioners shall file with the village clerk the constitutional oath of office. They shall appoint a time and place for a hearing and serve a notice thereof upon the board of trustees and upon each person named in the order. Such notice must be served at least ten days before the hearing which must be held within twenty days after their appointment.

§ 77. **Meeting and award of commissioners.**—The commissioners shall meet at the time and place appointed and may adjourn from time to time. They shall personally examine the land, compensation for which is to be determined by them, and may take testimony in relation thereto. They shall keep minutes of their proceedings and reduce to writing all evidence taken by them. They shall award to each owner of land named in the order the compensation to which he may be entitled after making allowance for any benefit he may derive from the improvement. After the appointment of the commissioners and before any evidence is taken on the hearing, the board of trustees may make an agreement with an owner named in the order for the compensation to be made to him. If such an agreement be made, notice thereof must be served upon the commissioners, and thereupon the proceeding as to such owner is discontinued. The award shall be signed by a majority of the commissioners, and, together with the minutes of their proceedings, the evidence taken by them, and any notice of agreement served upon them, shall be filed in the office of the village clerk.

§ 78. **Appeal from award of commissioners.**—The board of trustees or an owner to whom an award has been made by the commissioners, may, within twenty days after the filing of the award, appeal therefrom to the county court by which the commissioners were appointed. Such appeal shall be taken by a notice of appeal to be served as follows:

1. If the appeal be taken by the board of trustees, notice thereof must be filed by the village clerk in his office, and addressed to and served upon each owner to whose award objection is made by the board.

2. If the appeal be taken by an owner, the notice of appeal must be addressed to the board of trustees and served upon the village clerk.

The notice must in either case briefly state the grounds upon which the appeal is taken.

§ 79. **Return by clerk.**—Within ten days after such appeal the village clerk shall transmit to the county judge the petition filed

with the board for the laying out, alteration or widening of the proposed street, all papers and evidence in the proceeding subsequently filed in his office, and a certified copy of each resolution of the board of trustees relating to the improvement.

§ 80. **Hearing of the appeal.**—The appeal may be brought on by either party by a notice of not less than ten nor more than twenty days. If the appeal is by the board of trustees, it brings up for review all proceedings by or before the commissioners, and the award made by them. If the appeal is by an owner, it brings up for review all proceedings relating to the proposed improvement. If the appeal is by the board of trustees, and two or more owners are made respondents, the county court may affirm or reverse the award of the commissioners as to the whole or any number of such owners; and if the appeal is by an owner, the county court may affirm or reverse the award. If the award be reversed the order of reversal must state the reasons therefor, and if upon grounds relating to the amount of the award, or for errors in the proceedings by the commissioners, it must direct a rehearing before the same or other commissioners. If it appears from the order of the county court that the award is reversed solely upon the grounds relating to the amount of compensation, or for errors in the proceedings by the commissioners, no further appeal shall be allowed. A certified copy of the order of the county court upon such appeal, together with the papers transmitted by the village clerk, must be filed by the county judge in the office of such clerk. The order must also be entered in the office of the county clerk.

§ 81. **Compensation of commissioners.**—Each commissioner is entitled to five dollars for each day actually and necessarily spent in such proceeding, together with his necessary traveling and incidental expenses. Such compensation and expenses are a charge against the village.

§ 82. **Costs on appeal.**—Costs on appeal may be allowed as follows:

1. If on appeal by the board of trustees the award of the commissioners be affirmed, the county court may allow to the respondent costs of such appeal, against the village, not exceeding twenty-five dollars.

2. If on such an appeal the award be reversed on the ground that as to a specified owner it is excessive, the court may fix the amount of costs not exceeding fifty dollars, to be stated in the order, to be paid by the village to such owner, if upon a rehearing

the amount awarded to him is not more favorable to the village by the amount of such costs than the first award.

3. If on appeal by an owner the award be affirmed, costs not exceeding twenty-five dollars may be awarded against him, to be recovered by the village.

4. If on such an appeal the award be reversed, the county court may allow to the owner a sum not exceeding twenty-five dollars for the costs of appeal, which shall be a charge against the village.

§ 83. **Payment for property acquired for street improvement.**—Upon the making of an agreement for compensation to an owner under this article, or upon the final order or award fixing the amount of such compensation in proceedings therefor, the board shall immediately pay such amounts and the costs, if any, allowed in such proceeding, if it has funds available for that purpose; if not, money may be borrowed and certificates of indebtedness bearing interest issued therefor, or like certificates may be issued for such amounts, and payable, in either case, not more than one year from the date thereof; and the amount of such certificates shall be included in the next annual tax levy.

§ 84. **Changing grade of street or bridge.**—If the village has exclusive control and jurisdiction of a street or bridge therein, it may change the grade thereof. If such change of grade shall injuriously affect any building or land adjacent thereto, or the use thereof, the change of grade to the extent of the damage resulting therefrom, shall be deemed the taking of such adjacent property for a public use. A person claiming damages from such change of grade must present to the board of trustees a verified claim therefor, within sixty days after such change of grade is effected. The board may agree with such owner upon the amount of damages to be allowed to him. If no agreement be made, within thirty days after the presentation of the claim, the person presenting it may apply to the supreme court for the appointment of three commissioners to determine the compensation to which he is entitled. Notice of the application must be served upon the board of trustees at least ten days before the hearing thereof. All proceedings subsequent to the appointment of the commissioners shall be taken in accordance with the provisions of the condemnation law, so far as applicable, except that the commissioners in fixing their award may make an allowance for benefits derived by the claimant from such improvement. The amount agreed upon for such damages or the award therefor, together with costs, if any, allowed to the claimant, shall be a charge

against the village. The board may borrow money for the payment thereof, or may issue certificates of indebtedness therefor, in the same manner as in case of damages for laying out a street.

§ 85. **Snow and ice on sidewalks.**—The board of trustees may require the owners or occupants of land fronting on sidewalks to keep them clear of snow and ice, and upon default, may cause such sidewalks to be cleared, and assess the expense thereof upon such adjoining land, or may cause the sidewalks on any street or portion thereof to be kept clear of snow and ice, and assess the expense upon the adjoining land.

§ 86. **Cleaning streets.**—The board of trustees may require the owners of land fronting upon streets to keep the portion of the street between the land and the center of the street cleared of rubbish or other accumulations thereon, injurious to the use or appearance thereof, and to cause all grass and weeds growing therein to be cut and removed once in each month from May to October, inclusive. If the owner of such adjoining land shall fail to comply with such requirement the board of trustees may cause such work to be done, and assess the expense thereof upon such adjoining land.

§ 87. **Sprinkling streets.**—The board of trustees may cause a street or a part thereof to be sprinkled, and may assess the expense thereof, in whole or in part, upon the owners or occupants of the adjoining land, and the board of water commissioners of the village of Ossining shall furnish water to the village for its street sprinkling carts or wagons free of charge.

§ 88. **Trimming trees.**—The board of trustees may require the owners of land to trim the trees in front thereof, and upon default, may cause such trees to be trimmed, and assess the expense thereof upon the adjoining land.

§ 89. **Local assessment under this article.**—Whenever expenditures are made by the board of trustees for constructing or repairing sidewalks or pavements, trimming trees, sprinkling streets or keeping the sidewalks or streets cleared of weeds, ice, snow or other accumulations thereon, which under this article are assessable upon the land affected or improved thereby, the board shall serve a notice of at least ten days upon the owner or occupant of such property, stating that such expenditure has been made, its purpose and amount, and that at a specified time and place it will meet to make an assessment of the expenditure upon such land. The board shall meet at the time and place specified. It

shall hear and determine all objections that may be made to such assessment, including the amount thereof, and shall assess upon the land the amount which it may deem just and reasonable, not exceeding, in case of default, the amount stated in the notice. If the amount so assessed be not paid within twenty days after such assessment, an action to recover the amount may be maintained by the village against the owner or occupant liable therefor, or a special warrant may be issued by the board of trustees for the collection of such assessment, or the amount thereof may be included in the next annual tax levy.

§ 90. **Board may pave main streets.**—The board of trustees is hereby authorized and empowered to macadamize or pave any main street, avenue, or highway in said village, and for that purpose said board of trustees is hereby authorized and empowered by resolution to designate and determine which of the streets, avenues or highways are main streets, avenues or highways, and said board of trustees is hereby authorized to make such change in the grade of such main streets, avenues or highways, and construct any necessary drain or culvert, as may be necessary for the proper macadamizing or paving of said street, avenue or highway, and the cost of such change of grade, and the construction of any necessary drain or culvert, or any damage occasioned thereby upon the lines of said streets, avenues or highways, shall be considered as part of the cost of such macadamizing or paving.

§ 91. **Continued as to other than main streets.**—The board of trustees in addition to the power vested in said board by section ninety of this act, is hereby authorized and empowered upon a petition signed by a majority of the property owners fronting upon any street, avenue or highway in said village not designated and determined by the board of trustees to be a main street, avenue or highway, to macadamize or pave said street, avenue or highway, and for that purpose said board of trustees is hereby authorized and empowered to change or regulate the grade of such streets and highways as may be necessary for the proper macadamizing or paving of said street, avenue or highway, and the cost of such change of grade, or any damage occasioned thereby upon the lines of said street, avenue or highway, shall be considered as part of the cost of said macadamizing or paving.

§ 92. **Expense of paving; how apportioned.**—Whenever said board of trustees shall determine to macadamize or pave any street, avenue or highway in said village, two-thirds of the cost and expense thereof shall be paid by bonds of said village to be

issued as provided in section ninety-five of this act, and the remaining one-third of the cost shall be paid for by the property benefited in proportion to such benefit.

§ 93. **Contracts for paving; how placed.**—Prior to contracting for any work, a plan and accurate specifications of the work proposed to be constructed must be prepared and placed in the office of the village clerk for public inspection. The board of trustees shall then fix a district of assessment of the property in the judgment of said board benefited by said macadamizing or paving, and beyond which district the assessment for one-third of such cost of paving or macadamizing shall not extend, and shall then cause to be published in one or more of the newspapers published in the village, a notice that on a day therein to be named, at least two weeks from the first publication thereof, it will act in relation to the work proposed to be constructed, and in the meantime sealed proposals for constructing the work will be received by the village clerk. Upon the day mentioned in the notice, or upon such subsequent day as the said board of trustees may adjourn to for that purpose, the president of the village, or in his absence, the presiding officer shall in the presence of the board of trustees open such proposals. No proposals shall be considered unless accompanied by a certified check for ten per centum of the amount of the bid payable to the village of Ossining, with a statement in writing signed by the person, firm, corporation or persons making such bid to the effect that if the bid be accepted they will furnish and deliver to the village a bond of a surety company in a penalty to be fixed by the board of trustees, conditioned for the construction of the work at the price and upon the terms proposed, within such reasonable time as the board of trustees may limit, and subject to the supervision and approval of the said board of trustees. The said board may, by a vote of the majority of all its members, to be ascertained by taking and recording the ayes and noes, direct the construction of the proposed work and accept the most favorable bidder.

§ 94. **Apportionment.**—Upon the awarding of the contract all checks other than the check of the successful bidder shall be immediately returned to the person, or persons, or corporations, delivering the same to the clerk, and the check of the successful bidder, or the amount of the check in cash, shall be held until the bond hereinbefore provided for shall be furnished. The board of trustees shall make a report in writing of the assessment for one-third of the cost of said macadamizing or paving upon the different

parcels of land affected thereby, and deposit the same with the village clerk and cause to be published in the two official village newspapers, once in each week, for two successive weeks, a notice that the report has been completed and so deposited, and that they will meet at a time and place therein to be specified, not less than ten days from the first publication of said notice to review their report. At such time and place the parties interested can be heard, and thereafter the said trustees shall review the report, correct the same when necessary, and file it with the village clerk with all the objections in writing which have been left with them by the parties interested. And upon the filing of such report the amount of the cost of said improvement as fixed by the said trustees in said report, shall be a first lien upon the various parcels of land described in said report, and said amount shall be collected and the lien enforced in the same manner as is provided for the collecting of taxes in said village.

§ 95. **Issue of bonds.**—The board of trustees may from time to time issue bonds for such sum as may be necessary to pay two-thirds of the expenses of macadamizing or paving the said streets of the village of Ossining provided that the aggregate amount of such bonds shall not exceed the sum of one hundred thousand dollars; such bonds shall be of such denomination as the board of trustees shall determine; bear interest at not exceeding four per centum per annum, and mature in sums not exceeding twelve thousand five hundred dollars in any one year. The board of trustees shall convert such bonds into money at not less than their par value or may obtain temporary loans on the same and the proceeds therefrom shall be used only for the payment of two-thirds of the cost of such macadamizing or paving. The board of trustees shall have no power or authority to incur any expense or contract any debt for the paving or macadamizing any of the streets of the village of Ossining except out of the general expense fund, after the expenditure of the said sum of one hundred thousand dollars. But a further issue of bonds, and a further expenditure of money for the paving and macadamizing of said streets may be authorized by a vote of the qualified taxpayers of said village to the amount of seventy-five thousand dollars, or such part thereof as may be authorized by said vote.

§ 96. **Issue of bonds for assessments.**—Pending the collection of the assessments, the board of trustees is hereby authorized and empowered to issue certificates of indebtedness, or assessment bonds of the village of Ossining, not to exceed the amount of one-

third of the cost of said improvement, such certificates or bonds to draw interest not to exceed four per centum per annum, and to be signed by the president and village clerk, and to be sold at not less than par, and the proceeds thereof to be only used for the payment of the cost of one-third of said macadamizing or paving. Such certificates of indebtedness or assessment bonds to be and become a lien upon all the taxable estates, both real and personal, within said village, and the board of trustees is hereby authorized and directed to raise from time to time by tax such sum or sums of money as may be necessary to pay the interest on such certificates of indebtedness or assessment bonds and the principal thereof at maturity, provided the amount has not been collected from the real property assessed therefor, or the said board of trustees may refund any certificate of indebtedness or assessment bond becoming due and payable pending the collection of assessments by issuing new certificates of indebtedness or assessment bonds in the place and stead of the certificates of indebtedness or assessment bonds becoming due and payable; such new certificates of indebtedness or assessment bonds to run for a period not to exceed five years and to draw interest not to exceed four per centum per annum, and to be signed by the president and clerk of the village, and to be sold at not less than par, and the proceeds thereof to be only used for the payment of the certificates of indebtedness or assessment bonds so becoming due and payable during the pendency of collection of assessments; such refunding certificates of indebtedness or assessment bonds when issued to be a lien upon all the taxable property within the said village, and the board of trustees shall raise by tax from time to time such sums as may be necessary to pay the interest thereon and the principal when due, provided that the assessments have not been collected to pay such principal.

§ 97. **Street railways not exempt.**—Nothing in this act shall in any way interfere with any contract or arrangement between the village of Ossining and any surface railroad company now, or that may hereafter be authorized to operate within said village, or with the control vested by law in the board of trustees over any such surface railroad company, and the cost of macadamizing or paving between the tracks of such surface railroad company, and two feet outside and each side thereof, shall be borne by such railroad company as provided by any contract or agreement heretofore made, or that may be hereafter made between the said village and said railroad company, or as now or hereafter may be provided by law.

§ 98. **Curbs, gutters and drains.**—The board of trustees may order the laying or relaying of curbs and gutters, and construction of such drains as may be deemed necessary, on such streets, avenues or highways, as they shall determine to macadamize or pave, of such character and material as the board by resolution may determine, and the cost thereof shall be considered as part of the cost of said macadamizing or paving, and such curbing, guttering and drains may be included in any contract let by the board of trustees for the macadamizing or paving of any street, avenue or highway.

§ 99. **Review of assessments.**—Assessments for one-third of the cost of macadamizing or paving, upon the different parcels of land affected thereby may be reviewed in the same manner as is provided for by this act for the review of sewer assessments.

§ 100. **Acquisition of private lands.**—Whenever it shall be necessary to acquire private lands for the purpose of securing and constructing drainage for any portion of said village, the trustees are hereby empowered to acquire the same in like manner, and by like proceedings as are now provided for by this act, or by general statute for the laying out of public and private roads, and of the alteration and discontinuance thereof, but the taking of any such private property for sewerage purposes, shall not exempt the owners of adjacent lands from assessments for the benefits deemed to have accrued by the construction of any such sewers, and all damages to be paid for the taking of such private property shall be added to the cost of making and laying such sewer.

§ 101. **Sidewalks and curbstones.**—Any owner or occupant of any lot bounding on or abutting any of the streets in said village shall construct, relay and keep in repair the sidewalks and curbstones opposite their respective lots, in such time and manner, and of such material as the trustees may, by a by-law, resolution or ordinance for that purpose direct; the grade of said sidewalk and setting of said curbstone to be done under the directions of said trustees, and it shall also be the duty of the owner, occupant or other person in possession of any land bounding or abutting on any street, sidewalk or other public place in said village, to fence, protect, excavate, drain or fill in the same within such time and manner and of such materials as the said trustees may, by resolution, direct, and under their supervision, whenever deemed necessary for the protection, safety and health of the public.

ARTICLE VI

SEWERS.

Section 102. Extension of sewer system.—The trustees may extend and maintain the sewer system. Before taking any further proceedings for the construction of a sewer, the board, at the expense of the village, shall cause a map and plan of a permanent sewer system for such village to be made, with specifications of dimensions, connections and outlets or sewerage disposal works. It may also include any existing sewer in the village. Such map and plan shall be submitted to the state board of health for its approval, and if approved shall be filed in its office. A copy thereof shall also be filed in the office of the village clerk. The map and plan may be amended, with the approval of the state board of health, and if amended shall be filed in the same office as the original.

§ 103. **Main or trunk sewers.**—The board of trustees shall have power to construct, or cause to be constructed, main and trunk sewers or other public improvement in and through the streets, alleys and lanes of said village, of such material and of such dimensions as they shall determine necessary to carry off the drainage and sewerage thereof, and to regulate and maintain the same. The cost and expense of the construction, regulating and maintaining thereof, shall be assessed upon the real property that is, or may be, benefited thereby, and in proportion to such benefits, and the said trustees are hereby empowered to ascertain, determine and declare, by resolution, ordinance or otherwise, the property to be benefited by the construction of said main or trunk sewer, and apportion the amount thereof, in proportion to such benefits, and to assess, after such determination, the real property thus benefited or to be benefited thereby, the proportion thereof; and also to ascertain and determine if the whole cost of the same or what share of said cost, shall be paid by the said village.

§ 104. **Sewer tax; how collected.**—If the trustees shall determine that the whole or a part of the cost of the said trunk or main sewer shall be paid by the said village the same shall be levied, assessed, and collected in the same manner as the annual taxes of said village are levied, assessed and collected. But the annual tax for the same shall not exceed the sum of twenty-five thousand dollars, exclusive of the amount which it shall be necessary to raise to pay the assessments on property benefited.

§ 105. **Lateral sewers.**—The board of trustees shall have power to construct, or cause to be constructed, lateral sewers in and through the streets, alleys and lanes of said village, of such materials and of such dimensions as they shall determine necessary, and to regulate and maintain the same, the expense of the construction, regulation and maintenance thereof shall be assessed upon the real property that is, or may be, benefited thereby, and in proportion to such benefits, and the trustees are hereby empowered to ascertain, determine and declare by resolution, ordinance or otherwise, the property to be benefited by the construction of said lateral sewer, and apportion the amount thereof in proportion to such benefit, and to assess after such determination, the real property that is or may be benefited thereby the proportionate cost thereof.

§ 106. **Contracts for construction of sewer system.**—The board of trustees shall advertise for proposals for the construction of the whole or any part of the sewer system either under an entire contract, or in parts or sections, as the board may determine. Such advertisements shall be published once in each of two successive weeks in each newspaper published in the village. The board may require a bond or a deposit from the person submitting a proposal, the liability of such bond to accrue, or such deposit to be forfeited to the village, in case such person shall refuse to enter into a contract in accordance with his proposal. The board may accept or reject any proposal, may contract with other than the lowest bidder, or may reject all proposals, and advertise again.

§ 107. **Supervising engineer and inspectors.**—The board of trustees may employ a supervising engineer to superintend and inspect the construction of a sewer or work connected therewith, and also such inspectors as may be necessary, and fix the compensation of such engineer and inspectors; such compensation shall be charged as part of the expense of construction.

§ 108. **Apportionment of local assessment.**—If the whole or any part of the expenses of constructing a sewer is to be assessed upon the lands benefited, the trustees shall prepare and file in the office of the village clerk a map and plan of the proposed area of local assessment and such expense shall thereupon be apportioned upon the lands within such area in proportion as nearly as may be, to the benefit which each lot or parcel will derive therefrom, and the ratio of such benefit shall be established. After making such apportionment the trustees shall publish a notice in the two official

newspapers published in said village, for two successive weeks, of the filing of said map and plan, and that at a specified time and place a hearing will be had to consider and review the same. The board shall meet at the time and place specified and hear objections to such apportionment. It may modify and correct the same or exclude lands from the area of local assessment. The trustees, upon the completion of such apportionment, shall file the same in the office of the village clerk, and the apportionment shall be deemed final and conclusive unless an appeal be taken therefrom within fifteen days after the filing thereof, and due publication in such two newspapers of the filing of such completed apportionment.

§ 109. **Appeal from apportionment.**—A person aggrieved by an apportionment may, within fifteen days after the filing thereof, appeal therefrom to the county court. Such appeal shall be taken by a notice, stating the grounds thereof, addressed to the board of trustees, and filed with the village clerk.

§ 110. **Hearing of appeal.**—Either party may bring on the appeal upon a notice of not less than ten nor more than twenty days. All appeals from the same apportionment must be consolidated and heard as one appeal. The county court may affirm or reverse the apportionment. If it be reversed upon the ground that it is erroneous, unequal or inequitable, the court shall by the order of reversal appoint three disinterested freeholders of the village as commissioners to make a new apportionment, and no appeal shall be allowed from such order.

§ 111. **Reapportionment.**—A reapportionment shall be made in the following cases:

1. By the commissioners appointed by the county court, where the original apportionment is reversed on the ground that it is erroneous, unequal or inequitable.

2. By the board of trustees where the original apportionment is reversed upon any other ground. A reapportionment under this subdivision shall be made in like manner as the original.

§ 112. **Procedure by new commissioners.**—The commissioners appointed by the county court shall give notice of the time and place at which they will meet to make such reapportionment, and shall publish notice thereof at least ten days before such meeting upon each owner of land within the area of local assessment as finally fixed by the board of sewer commissioners. They shall meet at the time and place specified and make such reapportionment in the manner herein prescribed for the board of trustees.

They shall file such reapportionment in the office of the village clerk, and it shall be final and conclusive.

§ 113. *Fees of commissioners.*—Each commissioner appointed by the county court is entitled to five dollars for each day necessarily spent in making such reapportionment, besides his actual necessary expenses. Such fees and expenses are a charge against the village, and must be audited by the board of trustees. The amount thereof shall be added to the portion of the expense of constructing such sewer or sewer system which is to be assessed against property specially benefited.

§ 114. *Notice of sewer assessments.*—Whenever such sewer assessments shall become final and conclusive as hereinbefore stated, notice of such assessment shall be given to the owners who may pay the amounts assessed within ten days after the service of such notice. At the expiration of such time, bonds or certificates of indebtedness may be issued for the amount of such assessment then remaining unpaid as hereinafter stated.

§ 115. *Payment of cost of sewers.*—The expense of constructing a sewer or sewer system may be raised in an entire amount or in smaller sums, from time to time, as the board of trustees may determine. The board of trustees may from time to time issue bonds for such sums as may be necessary to pay for the construction and maintenance of sewers, provided that the aggregate amount of such bonds shall not exceed the sum of two hundred thousand dollars; such bonds shall be of such denomination as the board of trustees shall determine; bear interest at not exceeding four per centum per annum, and shall not mature in sums exceeding twenty-five thousand dollars in any one year. The board of trustees shall convert such bonds into money at not less than their par value, or may obtain temporary loans on the same, and the proceeds therefrom shall be used only for the payment of the expenses of the cost and maintenance of sewers.

§ 116. *Assessments.*—The board of trustees is hereby authorized and empowered to issue certificates of indebtedness or assessment bonds of the village of Ossining in the amount of the assessment, upon individual owners, of the cost of the construction and maintenance of sewers; such certificates or bonds to draw interest not to exceed four per centum per annum, and to be issued payable in ten years, and to be signed by the president and village clerk, and to be sold at not less than par, and the proceeds thereof to be used only for the payment of the cost of the construction and maintenance of sewers. Such certificates of indebtedness or assess-

ment bonds to be and become a lien upon the taxable estate both real and personal, within said village, and the said board of trustees shall refund any certificate of indebtedness or assessment bond becoming due and payable pending the collection of assessments by issuing new certificates of indebtedness or assessment bonds in the place and stead of the certificates of indebtedness or assessment bonds becoming due and payable; such new certificates of indebtedness or assessment bonds running for a period not to exceed five years, and to draw interest not to exceed four per centum per annum, and to be signed by the president and clerk of the village, and to be sold at not less than par, and the proceeds thereof to be only used for the payment of such certificates of indebtedness or assessment bonds so becoming due and payable during the pendency of the collection of assessments; such certificates of indebtedness or assessment bonds when issued, to be a lien upon the taxable property within the said village.

§ 117. **Tax for payment of sewer bonds.**—The board of trustees shall include in the annual tax levy the amount of the principal and interest accruing during the fiscal year upon the bonds to be paid by the village at large for the maintenance and construction of sewers, and shall levy the same upon the taxable property in said village.

§ 118. **Tax for unpaid sewer assessments.**—The board of trustees shall include in the annual tax levy the principal or interest accruing during the same fiscal year upon bonds or certificates of indebtedness issued on account of default in the payment of local assessments under this article, and shall levy the same upon the lots or parcels in default. Such principal shall be apportioned among the lots or parcels in default so that the tax thereon will be the same as if an equal portion of the assessment were then to be paid. Interest on an unpaid assessment shall be added to such tax at the rate payable by the bond or certificate of indebtedness, which must be computed to the time when the principal or an instalment will become due; or if no principal will become due during the fiscal year, then the interest accruing during that year upon the assessment must be levied upon such lot or parcel.

§ 119. **Annual report of sewer account.**—At the end of each fiscal year the board of trustees shall file with the village clerk a report containing a statement of the following facts:

1. The amount of money on hand in the sewer account at the beginning of the preceding fiscal year, and the receipts from all sources during said year.

2. An itemized statement of the amount paid out during such year and the balance on hand.

3. The outstanding indebtedness of the village for sewers either bonded or otherwise separately stated.

4. A statement of the principal or interest which will become due during the current fiscal year on bonds or certificates of indebtedness.

5. The improvements and extensions made during such preceding year and the general condition of the sewer system.

6. Such other facts as the board deems important for the information of the village, together with such recommendations as may be proper.

ARTICLE VII.

THE POLICE DEPARTMENT.

Section 120. Appointment of police justice.—The said board of trustees of the village of Ossining shall, after this act shall have gone into effect appoint a police justice in and for said village who shall immediately after qualification enter upon the duties of his office and continue in office for the term of four years from the first day of May, nineteen hundred and six, and every four years thereafter, the said board shall appoint his successor in office.

§ 121. **Police justice; qualifications.**—The said police justice appointed under this act shall hold no other town or village office.

§ 122. **Police justice; criminal jurisdiction.**—The said police justice within the corporate limits of said village, shall have sole and exclusive jurisdiction of all offenses, crimes and misdemeanors committed within said village, and to issue all warrants or other process; to hear, try and determine all complaints whether by jury or otherwise; conduct all examinations, and to impose sentence in all criminal cases, that may now by law be had by or before a justice of the peace, or two justices of the peace, or before a court of special sessions, and shall have the same powers and jurisdiction in such criminal cases that a justice of the peace or two justices of the peace now or may hereafter have conferred upon him or them by law, and shall also have exclusive and sole jurisdiction in all cases of violations of the charter, ordinances or regulations of the said village, or of the health board thereof.

§ 123. **Police justice; civil jurisdiction.**—The police justice shall have the same jurisdiction as a justice of the peace of a

town in civil actions to recover a penalty or forfeiture, payable to the village.

§ 124. Police justice; duties, liabilities and appeals.— The said police justice shall be subject to the same duties and liabilities, and his judgment and proceedings may be appealed from, or reviewed in the same manner and to the same extent as now by law provided in case of justices of the peace or courts of special session. The police justice shall attend at his court room daily from nine o'clock in the forenoon until four o'clock in the afternoon, and from seven o'clock in the afternoon until nine o'clock in the afternoon; but he shall be allowed annually, without deduction of compensation, an absence of thirty days.

§ 125. Acting police justice; how designated and paid.— The said trustees shall designate and appoint an acting police justice, who shall possess all the qualifications and have all the powers of said police justice under this act. But he shall act only in case of sickness, absence from the village, vacancy in office, or inability of said police justice to act or perform the duties of his office. Said acting police justice shall receive the same compensation for the period during which he acts, as the said police justice. If he acts more than thirty days in any year his pay for such additional time shall be deducted from that of said police justice. He shall hold office for the same period as said police justice.

§ 126. Fines, penalties, et cetera; how disposed of.— The said police justice, or acting police justice, shall receive no fees or compensation for his own use in any criminal matter, and all fines and penalties shall be received by him and the same with other fees received by him in such manner shall, within fifteen days after the receipt thereof, be paid to the treasurer of the village, and entered by said treasurer to the credit of the police fund.

§ 127. Services of police court to be a county or town charge.— The said police justice shall keep an account of all criminal business and services rendered by him as have heretofore or may hereafter be a county or town charge, as if performed by a justice of the peace of the town of Ossining. And such accounts, duly verified, shall be presented annually to the board of town auditors of the town of Ossining, or to the board of supervisors of the county of Westchester, and such accounts shall be charged respectively against the said county or town with the same force and effect as if the service had been performed and the account or claim had been

presented by a justice of the peace. The amount allowed by the board of supervisors of Westchester county, and charged to the said county shall be paid by the said state or board of supervisors of the said county to the treasurer of the village of Ossining, and the accounts audited by the town auditing board of the town of Ossining shall be collected as other taxes are collected and be paid by the supervisor of said town to the treasurer of said village, and entered to credit of police fund.

§ 128. Justice of the peace; no fees in certain cases.—No justice of the peace shall charge, receive or be allowed any fees or compensation from any source whatever, or have the right or power to take complaint, or issue any criminal process, where the offence or crime was committed within the corporate limits of said village, or in any matter of which said police justice has jurisdiction, except to take complaint and issue a warrant in case only of the absence from the village of Ossining or inability of said police justice to act, and then and in such case such warrant so issued shall be made returnable before said police justice.

§ 129. Jury list; town clerk to furnish.—The town clerk of the town of Ossining shall furnish the said police justice with a list of jurors as the law prescribes shall be furnished to justices of the peace of towns.

§ 130. Expense of police court; how paid.—The said board of trustees shall provide said police justice with a suitable room for holding his court, with all necessary furniture, blanks, stationery, light and fuel therefor.

§ 131. Police force; how appointed.—The police force of the village of Ossining shall consist of a chief of police and such patrolmen as the trustees may deem necessary not exceeding six, who, after appointment, qualification and entrance upon the duties of their office, shall not be removed therefrom except for cause shown, based upon charges preferred in writing and after a hearing. No person, under the age of twenty-five years nor over the age of forty-five, shall be eligible to appointment on the police force, nor shall any person serve as a policeman after reaching the age of sixty years, but on reaching such age his office shall be deemed and become vacant. Whenever a vacancy shall occur in the police force, such vacancy shall be filled by appointment of the board of trustees after a competitive examination, both physical and mental, under terms and conditions which shall be prescribed by the board of trustees.

§ 132. Police; powers of.—The said policemen, in addition to the powers conferred by this act, shall have and possess all the powers and duties that constables of towns now have, or may hereafter have, in criminal matters, and in the execution, or service of any and all criminal process, or proceeding, where the crime charged therein was committed within the corporate limits of the village of Ossining; to serve any and all process, warrants, or other papers issued by said police justice, and perform such other duties as the said trustees may by resolution or ordinance prescribe.

§ 133. Special policemen; appointment of.—The trustees of said village shall have power to appoint whenever they deem necessary, special policemen for the preservation of the peace, as watchmen, and to perform such other duties as the said trustees shall, from time to time, prescribe.

§ 134. Powers of police officers restricted.—No constable or other officer shall have power or authority to serve or execute any criminal process whatever, issued by the said police justice or any justice of the peace, for any crime or offense committed within said village, except as prescribed by this act.

§ 135. Policemen; fees restricted.—No policemen or special policemen appointed under this act shall receive any fees or compensation from any source whatever, except as provided for by this act, for the services of any criminal process issued by any court, police justice or other justice, except such amount as shall be fixed by the trustees of said village for necessary meals furnished prisoners confined in the village lock-up and for expenses in conveying prisoners to jail by direction of the said police justice.

§ 136. Policemen disqualified to hold other office.—No policeman or special policeman appointed under this act shall hold any county, town or other village office.

§ 137. Policemen to keep accounts.—Each of said policemen shall keep an account of such services rendered by him as have heretofore been duly presented by the trustees of said village to the proper town or county auditing board, which accounts shall be a charge against the said town or county as if made by a town constable, and said amount allowed by the board of supervisors, and charged to said county, shall be paid by the supervisor of Westchester county to the treasurer of said village, and the amounts audited and charged to the town of Ossining shall be col-

lected as other taxes are collected and be paid by the supervisor of said town when collected to the treasurer of said village.

§ 138. Inhabitants not incompetent in judicial proceedings.—

No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in said village, in any action or proceeding in which the said village is a party or interested.

§ 139. Rules of procedure; costs and penalties.—All actions brought to recover any fine or penalty under this act, or the ordinances, by-laws, rules, regulations or resolutions made in pursuance of it, shall be brought in the corporate name, and in such actions it shall be lawful to declare or complain generally, for such fine, penalty or forfeiture, stating the section of this act or by-law, ordinance, rule, resolutions or regulations under which the fine, penalty or forfeiture is claimed, and briefly setting forth the violation thereof for which the complaint is made. The process in any such action brought before the police court or other court may be by summons or civil warrant, and if by warrant, before the same is issued an affidavit shall be filed with the court stating the action, ordinance, rule or resolution under which the penalty, forfeiture or violation is claimed, and providing in said warrant for the immediate arrest of the offender, and if a recovery or conviction is had in favor of said village, it shall be with the usual costs and disbursements, allowed by law in other actions, and said defendant shall pay the fine or penalty prescribed therefor, or in default thereof he shall be imprisoned in the county jail of Westchester county, the sheriff whereof is hereby authorized and required to receive and detain said defendant therein not to exceed one day for each dollar of said fine or penalty or until paid.

§ 140. Disorderly persons.—All habitual drunkards, all drunken persons, or persons found intoxicated, or riotous persons, or persons engaged in quarreling or fighting or using profane, obscene or blasphemous language, or any person or persons creating or attempting to create a disturbance or breach of the peace upon any of the sidewalks, streets, highways and alleyways, or other public places within the corporate limits of the said village of Ossining; and all persons quarreling or fighting or creating or attempting to create a disturbance at any public entertainment or place of amusement within said village of Ossining, in addition to those persons enumerated in sections eight hundred and eighty-seven, eight hundred and eighty-seven-a and eight hundred and ninety-

nine of the code of criminal procedure, shall be deemed disorderly persons, and may be proceeded against and punished according to the provisions of this act.

§ 141. **Disorderly persons; summary trial of.**—Whenever any person charged or complained against as a disorderly person, under the provisions of this act, shall be arrested and brought before the police justice in said village, the said police justice shall proceed forthwith to hear, try and determine the complaint or charge (summarily without a jury) on which said persons are arrested, or he may in his discretion adjourn the hearing or trial for cause shown, not to exceed five days and in the meantime shall commit the accused to the county jail or lock-up or any other convenient or secure place, until such day, or suffer him to go at large on his executing a bond with sureties, under the approval of said police justice, conditioned that he will appear on said adjourned day, and upon conviction of any offender, either by confession or competent testimony, the said police justice shall have power and is hereby authorized to punish by fine not exceeding fifty dollars or by imprisonment in the county jail of Westchester county not to exceed six months, or by both such fine and imprisonment.

§ 142. **Disorderly persons; arrest of.**—The president of said village, the trustees and each of them, the policemen, or any of the special policemen, shall have power, and are hereby authorized at any and all times to arrest, or cause to be arrested, with or without process, any disorderly person or persons mentioned in this act, and shall have power, with or without process, to enter, or cause to be entered, any building or place within the limits of said village, and arrest or cause to be arrested any such disorderly person or persons, and shall take them forthwith before the police justice of said village to be dealt with according to the provisions of this act, and in case the police justice can not be found then the officer so arresting any such offender may detain him in custody in the village lock-up or any other convenient or secure place for safekeeping, until said police justice be found, not to exceed forty-eight hours, when the officer shall immediately bring him before such police justice to be tried as herein provided; said officers, or either of them, shall have power to command assistance whenever he shall deem it necessary.

§ 143. **Village clerk to be clerk of police court; powers and duties.**—The village clerk shall also be clerk of the police court of said village and perform such services as shall be required of him by the police justice of said village. He shall keep a record

of all proceedings had by or before said police justice and prepare all mandates, process and other papers required in any proceeding before said police justice. He is empowered to take oaths and acknowledgments to all complaints, depositions, informations, undertakings, or bonds and other process relating to said police court. Certified copies of mandates, process and all papers filed in said court, signed by the clerk with the seal of said village attached thereto, shall be evidence in all courts in like manner as if the originals were produced. The said clerk shall perform such other duties as said board of trustees of said village shall prescribe.

ARTICLE VIII.

FIRE DEPARTMENT.

Section 144. Firemen.—The present firemen of the village of Ossining, who are now inhabitants and residents of said village, shall continue to be firemen thereof as long as they remain such residents and inhabitants and when any fireman of said village shall remove from or reside outside the limits of said village he shall cease to be such fireman, subject to the provisions of this act, and the said trustees shall have power to strike from the roll of firemen any who shall be reported by their respective companies as having been expelled therefrom for violation of by-laws or rules of said companies, or for any other cause. But before such final action by said trustees, the said fireman shall be notified thereof and be heard in his defense, before such final action shall be taken thereon.

§ 145. Supplies.—The trustees shall procure fire engines and other apparatus used in the extinguishment of fire, and have the charge and control of the same as herein provided, and shall provide fit and secure engine houses or other places for keeping and preserving the same; and shall provide by suitable by-laws for the organization of all engine, hook and ladder, hose and other fire companies in said village, the members of which shall be residents of said village over eighteen years of age, and shall prescribe the duties of firemen, and make rules and regulations for the government of the fire department in said village. The members of the several engine, hook and ladder, hose and other fire companies in said village when organized in pursuance to this act, and under the provisions of chapter three hundred and forty-three of the laws of eighteen hundred and eighty-three, entitled "An act to incorporate the fire department of the village of Ossining," and the acts

amendatory thereof shall have power to elect a chief engineer and two assistant engineers for a term of three years; such election to be held at such times and in such manner as the trustees may prescribe by resolution or ordinance; which chief engineer and in his absence the said assistant engineers shall at all fires have exclusive charge, direction and control of the fire companies and all apparatus appertaining thereto in said village, and at all other times the said fire department shall be under the direction of the chief engineer, subject, however, to the by-laws, orders and directions of the board of trustees of said village; and the said board of trustees shall have power to remove the said chief engineer and assistant engineers for any misconduct in office, after specification of such misconduct shall have been made in writing and served upon them, and they shall have had ten days' notice to be heard before said trustees in their defense, which removal shall be by a resolution of the board of trustees, which shall be entered in the minutes of their proceedings and served upon the persons so removed; and after such removal it shall be the duty of the clerk to give six days' notice of a new election to fill the vacancy occasioned by such removal, and the person elected in pursuance of such notice shall fill such office during the unexpired term of the person so removed.

§ 146. *Investigation of fires.*—The said president and board of trustees shall have the power to investigate, and cause to be investigated whenever it shall appear by the request of any of the said trustees in writing, or other person, to the president or said board of trustees that there is ground to suspect or believe that any building within said corporate limits has been maliciously set on fire, or attempted to be set on fire, the said president shall proceed to investigate the same, and for such purpose he shall possess all the powers conferred upon the sheriff, deputy sheriff, or coroner, upon and by virtue of chapter three hundred and thirty-two of the laws of eighteen hundred and fifty-two, of the state of New York, and chapter five hundred and four of the laws of eighteen hundred and fifty-seven, of the state of New York, entitled "An act to provide for an investigation into the origin of fires in certain cases," and the acts amendatory thereof.

§ 147. *Trustees; supervision of property.*—The trustees shall have the power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves and stovepipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed, or be placed in safe condition,

when considered dangerous, and to prevent the deposit of ashes in unsafe places; to authorize the fire wardens, or other officers of the village, to keep away from the vicinity of any fire all idle or vicious persons, and to compel all persons to aid in the extinguishing of fires and the preservation of property exposed to damage thereat, and generally to establish such regulations for the prevention or extinguishment of fires as they deem expedient, and to compel the owners of premises to keep the same safe from accidental fires.

§ 148. Fire wardens.—The trustees shall be fire wardens, and shall have power, from time to time, to appoint such other fire wardens as they may deem necessary, and to prescribe their powers and duties, not inconsistent with this act.

§ 149. Trustees may enter buildings.—The said trustees shall have power to enter and authorize others to enter any time when it shall be necessary to do so, any building in said village in which there shall be a fireplace, chimney, stove or pipe, or where any inflammable or combustible material or goods are kept, for the purpose of examining the condition of the same, and to make such regulations in regard thereto as a proper security against fire, shall, in their judgment, require.

§ 150. Firemen; exemption.—The firemen enrolled by virtue of this act shall, during their term of service as such, be exempted from serving on juries and in the militia, except in case of war, invasion or insurrection; and a service of five years as such fireman, shall forever exempt them from such jury or militia duty, excepting as aforesaid. The name of each fireman so enrolled shall be registered with the clerk of the village, and evidence to entitle him to the exemptions provided in this section shall be the certificate of the said clerk, countersigned by the president of the village.

§ 151. The board of trustees may by resolution order an annual inspection and parade of the fire department.

ARTICLE IX.

COMMISSIONERS OF PERMANENT IMPROVEMENTS.

Section 152. Duties of commissioners.—No bonds shall be issued and no payments shall be made on any contract for paving or macadamizing, or any improvements, authorized by sections ninety to ninety-five inclusive, of this act, or any contract for sewers, or any improvements authorized by sections one hun-

dred and two to one hundred and seven inclusive, of this act, until the work shall have been inspected and approved, and itemized statements of the expenditures audited and allowed by a commission consisting of three resident freeholders and taxpayers, who shall be known as commissioners of permanent improvements. Said commissioners shall have full power and authority to employ an engineer, if necessary, and the actual and necessary expenses of the commission, incurred in their inspection of the work and the auditing of the charges shall be considered as part of the cost of said paving, macadamizing, sewerage or other permanent improvement. The said commissioners shall have the same powers regarding the expenditures of all special appropriations.

§ 153. Election of commissioners.—The first commissioners under this article shall be elected at a special election to be called by the board of trustees, within thirty days from the time this act shall go into effect, upon the same notice as to time and place as is required for the election of other charter officers. The three persons who shall receive the greatest number of votes shall be the commissioners of permanent improvements. The said commissioners shall file their oath of office under the same conditions required of other charter officers before entering upon the duties of their office.

§ 154. Term of office.—The said commissioners shall forthwith, after their election and qualification, meet at a time and place which shall be appointed by any two of said commissioners, and thereupon determine by lot the term of office of each commissioner, which said terms of office shall expire as follows: One on the second Tuesday of March, nineteen hundred and seven; one on the second Tuesday of March, nineteen hundred and eight; and one on the second Tuesday of March, nineteen hundred and nine. On the second Tuesday of March, nineteen hundred and seven, at the annual charter election and annually thereafter, one commissioner shall be elected for the full term of three years.

§ 155. Eligibility.—No person shall be eligible to election as commissioner of permanent improvements, or to hold said office, if he holds any other town or village office.

ARTICLE X.

MISCELLANEOUS.

Section 156. Notice; how served.—Service of a notice under this chapter must be personal, if the person to be served can be found in the village, otherwise the notice may be served personally or by mail by depositing a copy thereof in the postoffice of the village, and addressed to such person at his last known place of residence. The provision* of the code of civil procedure relating to the service of a summons and complaint in an action in the supreme court, except as to publication, in so far as practicable, apply to service of notices under this chapter. If the person to be served cannot be found, after due diligence, in the village where personal service is required, and his last known place of residence cannot be ascertained, the county judge of Westchester county may by order direct the manner of such service and service shall be made accordingly. Service on one of two or more joint tenants, or tenants in common, shall be sufficient notice to all for any purpose requiring notice under this chapter.

§ 157. **Ordinances now effective.**—The ordinances now in effect in the village of Ossining shall be and remain the ordinances of said village, except so far as they may be inconsistent with this act, and until they are altered, amended or repealed by the board of trustees.

§ 158. **Books and papers to be open to inspection.**—All books, papers and records relating to village affairs kept by any board or officer shall be open to inspection at all reasonable hours by every inhabitant of the village.

§ 159. **Enumeration.**—An enumeration of the inhabitants of the village shall be taken under the direction of the board of trustees in the month of January, nineteen hundred and seven, and in the same month in each fourth year thereafter. The enumeration must show the full name of each person, and whether he is over or under twenty-one years of age. The persons taking such enumeration shall attach thereto a tabulated statement showing the whole number of inhabitants as appears by the enumeration, and the number over and the number under twenty-one years of age. Such enumeration must be signed by the persons taking it, and filed with the village clerk on or before the twentieth day of January. The board of trustees must immediately cause a notice to be published in each newspaper published in the village, and posted in at least five conspicuous public places therein, stating

* So in original.

that such enumeration has been taken and filed in the office of the village clerk, and that the board will meet at a time and place specified in such notice, which time must not be less than three nor more than six days after the filing of such enumeration, to hear all objections thereto, and to correct and revise the same. The board of trustees shall meet accordingly, and after hearing all objections, shall finally correct the enumeration, and cause it to be filed in the office of the village clerk, on or before the first day of the following February. The village clerk shall, within one week thereafter, transmit to the clerk of the county of Westchester, and to the secretary of state, a certificate of the total population of the village, as appears from such enumeration.

§ 160. Officer not to be interested in contracts.—An officer shall not be directly or indirectly interested in a contract which he or a board of which he is a member is authorized to make on behalf of the village; nor in furnishing work or materials; nor shall such an officer act as such in any matter or proceeding, involving the acquisition of real property then owned by him, for a public improvement.

§ 161. Liability on unlawful contracts.—An officer or person who assumes to create a liability or appropriate money or property of the village without authority of law, or assents thereto, is personally liable for such debt, or to the village for such money or property. Each member of the board of trustees present at a meeting thereof when such unlawful action is taken is deemed to have assented thereto, unless he expressly dissents and requests such dissent to be entered upon the minutes of the meeting. The village is not liable upon a contract made by an officer or a board in the name or on behalf of the village, unless it is authorized by law.

§ 162. Actions against the village.—No action shall be maintained against the village for damages for a personal injury or an injury to property alleged to have been sustained by reason of the negligence of the village or of any officer, agent or employee thereof, unless the same shall be commenced within one year after the cause of action therefor shall have accrued, nor unless a written verified statement of the nature of the claim and of the time and place at which such injury is alleged to have been received shall have been filed with the village clerk within six months after the cause of action shall have accrued. An action on such claim shall not be commenced until the expiration of thirty days after it is presented.

§ 163. Location of hospitals and pest houses.—A building or tent in said village shall not be used, occupied or maintained as a hospital or pest house for the reception and care of public or private patients without the consent of the board of health of said village.

§ 164. Board may take testimony.—The board of trustees may take testimony in a proceeding pending before it, and may administer oaths and issue subpoenas.

§ 165. Construction of act.—This act is hereby declared a public act, and the same shall be construed favorably and benignly for every beneficial purpose therein contained, and the said corporation shall possess the rights and privileges and be subject to all the restrictions and limitations as now or may hereafter be provided by law, so far as the same is applicable thereto.

§ 166. Repeal of former acts.—All former acts and parts of acts or amendments thereto relative to the incorporation of the village of Ossining, are hereby respectively repealed; but the repeal of such acts shall not affect any act done, privilege granted, right accorded or established, institution located, or any proceeding, suit or prosecution had or commenced previous to the time when such repeal shall take effect, but every such act, privilege, right, location and proceeding, shall remain as valid and effectual as if said acts had remained in full force, but subject, nevertheless, to the provisions of this act.

§ 167. Time act becomes effective.—This act shall take effect immediately.

Chap. 243.

AN ACT to authorize the village of Homer, to construct and maintain an artificial outlet for the waters of Barber pond in said village and to close the present outlet and to issue necessary bonds therefor.

Became a law, April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of trustees of the village of Homer, Cortland county, may determine upon a plan for constructing and maintaining an artificial outlet to Barber pond, sometimes known

as Schermerhorn pond, in said village, for the purpose of furnishing a more direct passage for the waters of said pond at all times, and extending from a point on the west side of Fulton street through the culvert underneath the tracks of the Syracuse, Binghamton and New York railroad company to the Tioughnioga river, in said village, and also to determine upon a plan for permanently filling up and closing the stream of water commonly known as Barber creek which flows by a circuitous route from said pond into the said Tioughnioga river, so as to discontinue the use of said creek for sewerage purposes and to prevent the same from being an outlet in the future of the said Barber pond.

§ 2. The work herein authorized shall be done in accordance with plans, specifications and estimates to be furnished by a competent engineer to be engaged for such purposes by the said board of trustees, and shall be performed under his direction and supervision.

§ 3. The board of trustees of said village is hereby authorized to acquire by purchase, in the name of the said village, any land deemed necessary for the performance of the work specified in this act, and the right to enter upon the land through which said Barber creek flows and to change its course, alter or permanently fill up and close the same; and, in case the board of trustees are unable to agree with the owner or owners of any lands required for the purposes aforesaid, the said board of trustees, in the name of the said village, shall have the right to acquire title to the same by condemnation.

§ 4. For the purpose of carrying out any or all of the provisions of this act as herein specified and provided for, the bonds of the village of Homer, to the amount of the estimated cost of the aforesaid work, bearing interest not to exceed four per centum per annum payable semi-annually, shall be issued by the president and treasurer of the said village in accordance with the provisions of the general village act in reference to bonding.

§ 5. After the bonds shall have been issued and the money therefor paid over to the said village treasurer, the board of trustees are hereby authorized and empowered to advertise for proposals for furnishing the material and doing the work provided for in the plans, specifications and estimates, and power and authority is hereby conferred upon the board of trustees of said village in the name of said village to contract therefor.

§ 6. No work shall be performed, money expended or bonds issued for the purposes specified in this act, until the question

of raising money for the purposes herein provided, together with an itemized estimate of the cost thereof and the general plan and route of proposed construction, shall have been submitted to the voters of said village, qualified to vote upon said proposition, at a special election to be duly called and held for that purpose, and a majority of the votes cast upon the said proposition shall have been cast in favor of the same.

§ 7. This act shall take effect immediately.

Chap. 244.

AN ACT making an appropriation for the payment of the principal and interest of public defense bonds issued pursuant to chapter six hundred and seventy-two of the laws of eighteen hundred and ninety-eight and chapter four hundred and ninety-three of the laws of eighteen hundred and ninety-nine.

Became a law, April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There is hereby appropriated from any moneys in the treasury not otherwise appropriated, for the comptroller for the redemption of the principal of public defense bonds due May first, nineteen hundred and six, issued pursuant to chapter six hundred and seventy-two of the laws of eighteen hundred and ninety-eight, and chapter four hundred and ninety-three of the laws of eighteen hundred and ninety-nine, one hundred thousand dollars, and for interest due on all such bonds three thousand seven hundred and fifty dollars, or so much thereof as may be necessary.

§ 2. This act shall take effect immediately.

Chap. 245.

AN ACT to amend chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-seven, entitled "An act to make the office of sheriff of Yates county a salaried office, in part, and to regulate the management of said office," in relation to appointments by sheriff, and fixing compensation.

Became a law, April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight of chapter three hundred and sixty-two of the laws of eighteen hundred and ninety-seven, entitled "An act to make the office of sheriff of Yates county a salaried office, in part, and to regulate the management of said office," is hereby amended to read as follows:

§ 8. The said sheriff shall appoint an under-sheriff and such other attendants for the jail or prisoners as shall be prescribed by the board of supervisors of the said county from time to time. The said sheriff shall appoint such number of deputy sheriffs for said county as he shall deem necessary and he may remove any of them at any time. The said sheriff shall be responsible for the official acts of the said under-sheriff, deputy sheriffs and attendants. The board of supervisors shall, by resolution, at the annual session of said board, fix the salary or compensation of said under-sheriff and other attendants for the jail or prisoners, which shall be paid monthly by the county treasurer. The deputy sheriffs aforesaid shall have and receive as their sole compensation for all services rendered by them for the county, the state of New York and the United States, one-half of the fees now prescribed by law for like services. Each deputy thereof shall be reimbursed by the county for so much of his disbursements as such deputy sheriff, as are now a legal charge against the said county for like services and shall present an itemized bill therefor, and for his services so rendered verified as now required by law to the board of supervisors at its annual meeting in each year and the said board shall audit and allow the same as now provided by law. He shall account for and pay over to the treasurer of Yates county all fees, emoluments and moneys received by him for services rendered as such deputy sheriff in the discharge of the aforesaid duties.

§ 2. This act shall take effect immediately.

Chap. 246.

AN ACT to amend the code of civil procedure, relating to actions on judgments.

Became a law, April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision six, section twenty-eight hundred and sixty-two of the code of civil procedure, is hereby amended to read as follows:

§ 2862. Subdivision 6. An action upon a judgment either foreign or domestic rendered in any inferior court not of record, where the sum claimed does not exceed two hundred dollars. An action upon a judgment, foreign or domestic rendered in a court of record, where the sum claimed does not exceed fifty dollars.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 247.

AN ACT to authorize the trustees of the Manor cemetery company to sell its lands embracing the Manor cemetery of the town of Cortlandt, Westchester county, New York, remove remains therefrom, and distribute the proceeds of sale.

Became a law, April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The further interment of bodies in the land of the Manor cemetery company in the town of Cortlandt, Westchester county, New York, conveyed by Catherine E. Van Cortlandt and others to the Manor cemetery company, by deed recorded in book of deeds seventeen hundred and seventeen, page four hundred and forty-one in the office of the register of Westchester county, New York, and embracing the burial ground known as the Manor cemetery, and now owned by the Manor cemetery company, is hereby prohibited.

§ 2. The Manor cemetery company is hereby authorized to remove or cause to be removed from said land the remains of all bodies buried and now remaining therein, and all monuments and headstones thereon, to some cemetery or other suitable place or places; and to procure by purchase or otherwise acquire land to be used for said burying; and to sell at public or private sale the land now belonging to said Manor cemetery company in the town of Cortlandt, Westchester county, New York, and by good and sufficient deed or deeds to convey the same to the purchaser or purchasers thereof, and to apply so much of the proceeds of such sale as may be required for such purpose for payment of the expenses of said removal, and the procuring of a suitable place or places to which such removal may be made as herein provided for, and to distribute the balance of said proceeds to the holders of the certificates of indebtedness of said company pro rata.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 248.

AN ACT to amend the tax law, in relation to taxation of the personal property of nonresidents.

Became a law, April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," is hereby amended to read as follows:

§ 7. When property of nonresidents is taxable.—Subdivision 1. Nonresidents of the state doing business in the state, either as principals or partners, shall be taxed on the capital invested in such business, as personal property, at the place where such business is carried on, to the same extent as if they were residents of the state.

Subdivision 2. The personal property of nonresidents of the state having an actual situs in the state, and not forming a part

of capital invested in business in the state, shall be assessed in the name of the owner thereof for the purpose of identification and taxed in the tax district where such property is situated, unless exempt by law. This subdivision shall not apply to money, or negotiable collateral securities, deposited by, or debts owing to, such nonresidents nor shall it be construed as in any manner modifying or changing the law imposing a tax on real estate mortgage securities.

§ 2. This act shall take effect immediately.

Chap. 249.

AN ACT to amend the county law, relative to expenditures of money by fire commissioners in fire districts.

Became a law, April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-seven of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as amended by chapter nine hundred and thirty-seven of the laws of eighteen hundred and ninety-five, chapter nine hundred and two of the laws of eighteen hundred and ninety-six, chapter three hundred and twenty-nine of the laws of eighteen hundred and ninety-seven and chapter one hundred and forty-two of the laws of nineteen hundred and two and chapter one hundred and ninety-six of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 37. Fire districts outside of incorporated villages.—Each board of supervisors may, on the written, verified petition of the taxable inhabitants of a proposed fire district outside of an incorporated village or city, and within the county, whose names appear on the last preceding assessment-roll of the town wherein such proposed fire district is located, as owning or representing more than one-half of the taxable real property of such district, or as owning or representing more than one-half of the taxable real property of such district owned by the residents thereof, establish such district as a fire district. No such district shall

extend in any direction to exceed one mile from the nearest engine or hose or hook or ladder house located within the district. When any two or more fire districts, established as above provided, not within an incorporated village, adjoin each other, the board of supervisors of the county in which said districts are located, may, upon a written, verified petition of the taxable inhabitants of each of said districts whose names appear on the last preceding assessment-roll of the town or towns within which said fire districts are located, as owning or representing more than one-half of the taxable real property of each of said districts, or as owning or representing more than one-half of the taxable real property of each of said districts owned by the residents thereof, consolidate such fire districts and establish the same into one fire district. The trustees of such fire district hereinafter provided may establish, equip and maintain such engine, hose or hook and ladder houses as they may deem necessary. When any such fire district has been established or consolidated in the manner above provided, the legal voters thereof may elect not less than three nor more than five residents thereof to be the fire commissioners for a term of five years or such less term as a majority of such voters at the time of any such election may express on their ballots; and may also elect a treasurer in such fire district for a term of three years, who shall be entitled to receive and have the custody of the funds of the district and pay out the same for the purposes herein provided for, on the order of the fire commissioners, which treasurer before entering on the duties of his office, shall give such security as the board of supervisors may require. The first election for such fire commissioners and treasurer, shall be called by the clerk of the town within which any such district shall be established, or when any such district is within more than one town within the county, by the clerks of such towns jointly and concurrently, within thirty days from the establishment or consolidation of such fire district or districts, and upon such notice and in the same manner as required for by special town meetings. All subsequent elections shall be called in the same manner by the clerk or clerks of the town or towns, not less than thirty days prior to the expiration of the term of office of any such commissioners or of the treasurer; special elections to fill any vacancies shall be called in the same manner within thirty days after any such vacancy shall occur. Any such district when established or consolidated shall be known by such name as the fire commissioners thereof may adopt at their

first meeting for the organization, and thereafter such fire commissioners shall be authorized and empowered to purchase apparatus for the extinguishment of fires therein; rent or purchase suitable real estate and buildings or erect, alter or repair buildings, for the keeping and storing of the same; and to procure supplies of water, and have control and provide for the maintenance and support of a fire department in such district; and shall have power to organize fire, hook, hose, ladder, axe and bucket fire patrol companies; and to appoint a suitable number of able and respectable inhabitants of said district as firemen and to prescribe the duties of the firemen and the rules and regulations for the government of all companies and of the fire department in such district; and who shall have power to make any and all contracts within the appropriations voted by the resident taxpayers of the district for the purpose of carrying out the authorization and powers herein granted. Such fire commissioners may expend in any one year for any or all the purposes above specified a sum or sums not exceeding the total of one hundred dollars, and make a contract for a supply of water for fire purposes for a period not to exceed five years, without any appropriation voted therefor by the taxpayers of such district. For the purpose of giving effect to these provisions the fire commissioners are hereby authorized whenever a tax shall be voted to be collected in instalments for the purposes of carrying out the authorization and powers herein granted, to borrow so much of the sum voted as may be necessary at a rate of interest not exceeding six per centum per annum and to issue bonds or other evidences of indebtedness therefor, which shall be a charge upon the district and be paid at maturity; and such bonds shall not be sold below par; due notice of the time and place of the sale of such bond shall be given at least ten days prior thereto; the payment or collection of the last instalment shall not be extended beyond ten years from the time when such vote was taken. Whenever the fire commissioners in any such fire district shall submit a request in writing for an appropriation of any sum of money for the purposes herein authorized, the clerk or clerks of the town or towns in which such fire district shall be located, shall call a meeting of the resident taxpayers of the district for the purpose of voting upon the question of appropriating such money, such meeting to be called by a notice posted conspicuously in at least two of the most public places in such fire district, at least ten days before the holding of any such meeting, which notices shall state the time, place and purpose of

the meeting. At any such meeting such resident taxpayers may appropriate the amount requested by the fire commissioners, or any less amount, and may determine that the sum so appropriated or some part thereof shall be raised by instalments. When any such appropriation is made, or when any amount less than the sum of one hundred dollars shall have been expended by such fire commissioners, as above authorized, the amount appropriated or expended and the amount contracted to be paid yearly for the supply of water for fire purposes, shall be assessed, levied and collected on such district, in the same manner, at the same time and by the same officers as the taxes of the town in which the district is located, are assessed, levied and collected, and when collected shall be paid over immediately by the supervisor of the town to the treasurer of the fire district; and the town shall be responsible for any and all sums so collected until the same shall be paid over to such treasurer. Such fire commissioners shall before the annual meeting of the board of supervisors, present to the supervisor of the town or towns in which such fire district is situated an itemized and verified statement in duplicate of the amount expended by them during the preceding year, without an appropriation having been made therefor by the taxpayers of such district. The supervisor shall file one of such duplicates in the office of the town clerk, and one shall be presented by him to the board of supervisors. All meetings of any such district called for the election of officers, or for the appropriation of money, shall be presided over by a resident taxpayer to be designated by the fire commissioners, except at the first meeting after any such fire district shall have been established shall be presided over by a resident taxpayer selected by the legal voters at the meeting; and all elections for fire commissioners and for treasurer shall be by ballot, in the same manner as is provided for the election of other town officers. Such meetings shall be open to receive ballots for not less than two hours, which hours shall be stated in the notice. There shall be one inspector to receive ballots and one clerk to record the names of the voters. The chairman, inspector and clerk shall receive the sum of three dollars each for their services as such. The board of supervisors in any county in which any such fire district shall have been heretofore or shall be hereafter established, may at any time, upon the written verified petition of the taxable inhabitants of any such district, whose names appear upon the last preceding assessment-roll of the town within which such district is located as owning or representing

more than one-half of the taxable real property of such district, or as owning or representing more than one-half of the taxable real property in such district owned by the residents thereof, discontinue such district as a fire district, and upon such action being taken by the supervisors, the fire commissioners of such district, where it is wholly within a village incorporated since said district was formed shall turn over to any fire corporation organized by the trustees of said village all the property thereof, such village to pay all the debts thereof, and in other than such last-named districts the fire commissioners shall proceed to sell the property belonging to such district at public sale; three notices of such sale shall be posted conspicuously in three of the most public places in the district, for a period of thirty days prior to the sale, and the proceeds of such sale shall be paid over by the treasurer of the district to the supervisor of the town and the sum so paid over shall be credited to the taxable real property located in such district, in the next succeeding assessment of town taxes. Whenever any portion of any such fire district heretofore or hereafter established shall be incorporated into the corporate limits of any incorporated village or city, the board of supervisors of the county in which such district is located upon the written verified petition of more than one-half in assessed valuation of the taxable inhabitants of such incorporated portion of the fire districts, change the boundaries of such district in such manner as shall exclude such incorporated portion of the district, and thereafter such incorporated portion of the district shall not be entitled to the protection, nor liable to be assessed or taxed for the support of the fire department of such district. Where any two fire districts not within any incorporated village adjoin each other, the boundary line between such districts may be changed by the board of supervisors of the county in which they are located, upon a written verified petition of the taxable inhabitants of the portion of the fire district applied to be changed, whose names appear upon the last preceding assessment-roll of the town within which said portion of said fire district is located, as owning or representing more than one-half of the taxable property of such portion of said fire district, or as owning or representing more than one-half of the taxable real property of such portion of said fire district owned by the residents thereof, provided the taxable inhabitants of both said fire districts and within the county, whose names appear upon the last preceding assessment-roll of the town or towns, owning or representing more than

* So in the original.

one-half of the taxable property of said district, or as owning or representing more than one-half of the taxable real property of such fire districts owned by the residents thereof, shall consent in writing to such change.

§ 2. This act shall take effect immediately.

Chap. 250.

AN ACT to incorporate "The First Welsh Congregational Church Cemetery Association."

Became a law, April 16, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The following persons, and their successors, to wit: William H. Williams and Irving Charles of the town of Steuben, Owen Hughes and Henry Davis of the town of Remsen, and Owen J. Evans of the town of Trenton, county of Oneida, who now constitute the board of trustees of the "First Welsh Congregational Society in the town of Steuben," are hereby constituted a body corporate, and created a religious cemetery corporation to be known and designated by the corporate name of "The First Welsh Congregational Church Cemetery Association," and shall possess the usual powers and have all the rights and liabilities of a cemetery corporation created under the membership corporation law. Its principal office shall be in the town of Steuben, in the county of Oneida.

§ 2. The trustees of "The First Welsh Congregational Church Society in the town of Steuben" are hereby authorized and empowered in their discretion to sell, deed and convey to said religious cemetery corporation the old cemetery land now owned by it subject to all the rights of the lot owners therein.

§ 3. This act shall take effect immediately.

Chap. 251.

AN ACT to amend chapter one hundred and thirty-six of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Cobleskill, Schoharie county," relative to conferring on the board of trustees power and authority to cause connections to be made with the village water and sewer systems in certain cases, and for the collection of the expense thereof from the property owners benefited; also, in relation to sidewalks, and increasing the per centum limit of the value of taxable property for annual tax levying purposes, in said village.

Became a law April 17, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section one of title three of chapter one hundred and thirty-six of the laws of eighteen hundred and sixty-eight, entitled "An act to incorporate the village of Cobleskill, Schoharie county," is hereby amended to read as follows:

3. To keep the roads, avenues, streets and public buildings and places of the village in good repair, order and condition; to construct sewers, culverts and drains; to make and repair all bridges which may be necessary or convenient; to regulate and prescribe the width and grade of streets, avenues and sidewalks; to pave, plank or flag roads, streets, crosswalks and sidewalks; but before paving any street or road from curb to curb, it shall be the duty of and power and authority is hereby conferred on said board of trustees, to cause connections to be made with the water and sewer systems of said village and extended to the outer sidewalk line, for each and every dwelling, business place and vacant lot fronting thereon, not already connected therewith, the expense incurred, if not paid by the owners of such property in the first instance, shall be paid by said village, but the amount thereof shall be paid to the village treasurer, by the owners of the property so benefited, before being permitted to connect their property with such extended water and sewer connections; and a record of such expense shall be made by the village clerk in a book to be prepared and kept for that purpose, alphabetically indexed, in the names of the

owners of and briefly describing the property so benefited; to lay out and open new roads and streets; to widen, alter, change the grade of, or otherwise improve roads, avenues, streets and sidewalks; to prohibit and remove all obstructions, incumbrances and nuisances from the roads, avenues, streets, public buildings and places; to plant, protect and remove trees in the roads, streets and public places; to compel the owner or occupant of any premises to clear the snow, ice, dirt or any other material or substance off the sidewalk, and to cleanse the gutter contiguous to and adjoining such premises, and when such ice cannot be removed without injuring the sidewalk, to sprinkle sand or ashes thereon; to drain stagnant waters; to raise or fill up low grounds, and to regulate water courses, ponds and watering places.

§ 2. Section six of title four of said chapter, as amended by chapter two hundred and thirty-seven of the laws of eighteen hundred and ninety-one, is hereby amended to read as follows:

§ 6. The board of trustees, or a majority of them shall have power to compel the owners of lands or lots, in front of and adjoining which in the discretion of and determination by said board of trustees, a sidewalk is necessary to be made, to make such sidewalk in front of or adjoining such lands or lot, to determine and prescribe the manner of making and laying the same, and the material to be used therein, and the quality or kind of such material; and in case the owner or owners of any such lands or lots shall neglect or refuse to make or complete the said required improvement, within such reasonable time as shall be required by said board of trustees, the said trustees may cause such improvement to be made or completed, and if concrete, made and constructed in accordance with the specifications therefor adopted by said board of trustees, or flagging is used then two-thirds, if other material, the whole of the cost and expense thereof shall be assessed on such owner or owners, such assessment to be made and collected in the manner authorized by the first section of this title, as amended by this act.

§ 3. Section one of title five of said chapter one hundred and thirty-six of the laws of eighteen hundred and sixty-eight, is hereby amended to read as follows:

§ 1. The board of trustees shall have power, and it shall be their duty to raise annually by taxation upon the taxable inhabitants of the village, and the property therein liable to taxation, such a sum of money as they shall deem proper, to meet all village expenses but not to exceed in one year an amount equal

to one per centum of the value of the taxable property in said village of Cobleskill, except as hereinafter provided, to be ascertained by the last preceding assessment-roll of said village; said money so as aforesaid to be raised and expended in carrying into effect the several powers and privileges granted and conferred by this act.

§ 4. This act shall take effect immediately.

Chap. 252.

AN ACT to extend the time for beginning the construction of the Troy, Rensselaer and Pittsfield railroad, and expending thereon ten per centum of its capital.

Became a law, April 18, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The time for beginning the construction of the Troy, Rensselaer and Pittsfield railroad, and expending thereon ten per centum of its capital, the company to construct which was organized under an act, chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "The Railroad Law," and the several acts amendatory thereof and supplemental thereto, is hereby extended to the first day of May, nineteen hundred and eight.

§ 2. This act shall take effect immediately.

Chap. 253.

AN ACT to amend the public health law, relative to the number and appointment of members of local boards of health.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty of chapter six hundred and sixty-one of the laws of eighteen hundred and ninety-three, entitled "An act in relation to the public health, constituting chapter twenty-five of the general laws," as amended by chapter two

hundred and sixty-eight of the laws of eighteen hundred and ninety-four, chapter five hundred and eighty-four of the laws of eighteen hundred and ninety-five, chapter two hundred and eighty-two of the laws of eighteen hundred and ninety-seven, chapter three hundred and thirty-nine of the laws of nineteen hundred and two, chapter three hundred and eighty-three of the laws of nineteen hundred and three, and chapter four hundred and eighty-four of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 20. Local boards of health.—There shall continue to be local boards of health and health officers in the several cities, villages and towns of the state. In the cities, except cities of the first and second class, the board shall consist of the mayor of the city who shall be its president, and, at least six other persons, one of whom shall be a competent physician, who shall be appointed by the common council, upon the nomination of the mayor, and shall hold office for three years. Appointments of members of such boards shall be made for such shorter terms as at any time may be necessary, in order that the terms of two appointed members shall expire annually. In the cities, except cities of the first and second class, and such other cities whose charters otherwise provide the board shall appoint a competent physician, not one of its members, to be the health officer of the city and shall fill any vacancy that now exists or may hereafter exist from expiration of term or otherwise in the office of health officer of the city. In villages the board shall consist of not less than three nor more than seven persons, not trustees of the village, who shall be appointed by the board of trustees at the first meeting of the board of trustees of such village, after the next annual election of the village; the members of said board of health shall at their first meeting divide themselves by lot into three classes, whose terms of office shall expire respectively in one, two and three years, from the annual election held prior to their appointment; and in case of an increase in the membership of such board, as hereinafter provided, there shall be a like apportionment by lot, of the added members, in respect to their terms of office, at the first meeting of said board after such increase occurs, whereby the whole number of terms expiring annually shall be as nearly equal as possible. From and after the appointment of said board as above provided, the appointment of the successors of said members shall be made immediately after the annual elections of said village and shall continue in office until their successors are appointed unless removed

therefrom; provided, however, that upon failure to appoint such board of health at such first meeting such appointment may be made at any subsequent meeting, in the event of no appointment having been made by the proper authorities as hereinafter provided. The board of trustees of such village may, in its discretion, at the first meeting of such board held after any annual election of the village, increase the number of members of the board of health of such village, and appoint such additional members and thereafter appoint their successors, providing the number of members of such board of health, as increased, shall not exceed seven. Every such village board shall elect a president and secretary the president to be elected from among the members of said board. In towns the board of health shall consist of the town board and another citizen of the town of full age biennially appointed by the town board at a meeting thereof after each biennial town meeting for the term of two years from and after such town meeting and until his successor is appointed. The state commissioner of health shall appoint for each municipality except in the cities of the state on the nomination of the local board of health, a competent physician, not a member of the local board of health, to be the health officer of the municipality. The term of office of the health officer shall be four years and he shall hold office until the appointment of his successor. If a local board of health fails to nominate a physician for appointment to the position of health officer within thirty days after the expiration of the term of office of the health officer, or if a vacancy in the office is not filled within thirty days, the state commissioner of health shall appoint a competent physician to the position, or, should a local board of health nominate a physician for appointment to the position of health officer, who, in the judgment of the state commissioner of health is not properly qualified for appointment to the position, the state commissioner of health shall notify the local board of health of such fact, and thereupon such local board of health shall within thirty days from the date of such notice present to the state commissioner of health the name of another physician for appointment to the position of health officer, failing in which, the state commissioner of health shall appoint a physician to the position. He may be removed for just cause by the local board of health after a hearing, such removal must be approved by the state commissioner of health. The health officer need not reside within the village or town for which he shall be chosen, but unless he

shall, he must reside in an adjoining town. If the proper authorities shall not fill any vacancies occurring in the membership of any local board within thirty days after the happening of such vacancy, the mayor of the city, president of the village, or supervisor of the town, shall appoint a competent person to fill the vacancy for the unexpired term, which appointment shall be immediately filed in the office of the county clerk, and a duplicate thereof filed with the clerk of the municipality for which such appointment is made. Notice of the membership and organization of every local board of health shall be forthwith given by such board to the state department of health. The term municipality, when used in this article, means the city, village or town for which any such local board may be or is appointed. The provisions herein contained for the appointment and number of members of boards of health, and for the appointment of health officers, shall apply to all towns and villages, whether such villages are organized under general or special laws.

§ 2. This act shall take effect immediately.

Chap. 254.

AN ACT to amend chapter three hundred and seven of the laws of nineteen hundred, entitled "An act to provide for the payment of the expense of improving Delaware road, (so-called,) in the town of Tonawanda in Erie county," relative to certain bonds to be issued by said town.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter three hundred and seven of the laws of nineteen hundred, entitled "An act to provide for the payment of the expense of improving Delaware road, (so-called,) in the town of Tonawanda in Erie county," is hereby amended so as to read as follows:

§ 5. If it shall become necessary in order to obtain money to pay the expenses mentioned in section one of this act, as the same have been or may be adjusted by said board, or to pay any judgment which may be recovered against said town on account of said improvement, or of the bonds heretofore issued on account

thereof, or of anything appertaining thereto, the town may issue and sell bonds to obtain the sum, but no such bonds shall be sold for less than their par value; the town board may issue and deliver such bonds in satisfaction of any of said claims if accepted at their par value. Bonds issued under this section may bear interest at the rate of five per centum per annum from their respective dates, payable semi-annually, anything in this act contained to the contrary notwithstanding. All interest upon said bonds in excess of three and one-half per centum per annum shall not be included in the aggregate amount to be determined by said town board under section eleven of this act, but such excess of interest shall be added to the one-fifth of said aggregate amount which by said section is to be levied upon the taxable property in said town, and such excess shall be levied and collected at the same time and in the same manner as said one-fifth of said aggregate amount. Notice of the sale of such bonds shall be given by publishing such notice at least once in a newspaper published in the city of New York.

§ 2. This act shall take effect immediately.

Chap. 255.

AN ACT to amend the code of civil procedure relating to the enforcement of mechanic's liens on real property.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-four hundred of chapter twenty-three, title three, of the code of civil procedure, is hereby amended so as to read as follows:

§ 3400. Enforcement of a lien under contract for a public improvement.—A lien for labor done or materials furnished for a public improvement may be enforced against the funds of the state or the municipal corporation for which such public improvement is constructed, to the extent prescribed in article one of the lien law, and against the contractor or subcontractor liable for the debt, by a civil action, in the same court and in the same manner as a mechanic's lien on real property.

§ 2. Section thirty-four hundred and two of chapter twenty-three, title third of the code of civil procedure, is hereby amended by adding thereto a new subdivision to be numbered four and to read as follows:

4. The state, in the same manner as a private person, when the lien is one filed against funds of the state for which public improvement is constructed. In such a case, the summons must be served upon the attorney-general, who must appear in behalf of the people.

§ 3. Section thirty-four hundred and eighteen, of chapter twenty-three, of title three of the code of civil procedure, is hereby amended so as to read as follows:

§ 3418. Judgment in action to foreclose lien on account of public improvement.—If, in an action to enforce a lien on account of a public improvement, the court finds that the lien is established, it shall render judgment directing the state or the municipal corporation to pay over to the lienors entitled thereto for work done or material furnished for such public improvement, and in such order of priority as the court may determine, to the extent of the sums found due the lienors from the contractors, so much of the funds or money which may be due from the state or municipal corporation to the contractor, as will satisfy such liens, with interest and costs, not exceeding the amount due to the contractor.

§ 4. This act shall take effect immediately.

Chap. 256.

AN ACT to repeal chapter six hundred and thirty-two of the laws of nineteen hundred and three, entitled "An act to regulate the practice of barbering in the state of New York."

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and thirty-two of the laws of nineteen hundred and three, entitled "An act to regulate the practice of barbering in the state of New York" is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 257.

AN ACT to amend the canal law, relative to superintendents of repairs and drafts of money by the superintendent of public works for the payment of contracts.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-six of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-four, entitled "An act in relation to canals, constituting chapter thirteen of the general laws," is hereby amended to read as follows:

§ 26. Duties of superintendent of repairs.—Every superintendent of repairs shall be under the direction of the superintendent of public works, and especially of the assistant superintendent having charge of the line of the canal on which he is employed. Before entering on his duties he shall execute and file in the office of the superintendent of public works an official undertaking in sum and form to be approved by the superintendent of public works. He shall, under the direction of the superintendent of public works or assistant superintendent, keep in repair such section of the canals and works and buildings connected therewith committed to his charge, and faithfully expend and account for all moneys placed in his hands by the superintendent of public works, or the assistant superintendent. At least once in thirty days he shall render an account of his receipts and expenditures to the superintendent of public works. The assistant superintendent having charge of that part of the canal on which a superintendent of repairs is employed, or the superintendent of public works, shall certify upon every account presented by any such superintendent of repairs and before its approval by the comptroller, that he has examined the same, that the several disbursements specified therein were made upon the canal, under the direction of such assistant superintendent or the superintendent of public works, or were for repairs necessary to be made thereon, and that he believes such disbursements to be proper and reasonable, and to have been made as charged.

§ 2. Section twenty-seven of the canal law, being chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-four and constituting chapter thirteen of the general laws, is hereby amended so as to read as follows:

§ 27. **Advances to superintendent of repairs.**—No advance of money shall be made to a superintendent of repairs until he makes out a detailed statement in such form as the superintendent of public works prescribes, of the several proposed objects of expenditures upon the line of the canal under his charge, covering a period of one month. The superintendent of public works or the assistant superintendent in charge shall indorse upon such statement or append thereto his allowance or disallowance of each particular object of expenditure named therein, or if he considers the sum estimated for any object or work excessive, the amount which in his judgment may be required for such work or object. When such estimates are filed in the office of the superintendent of public works, the superintendent of public works may make advances thereon, in order to meet the authorized disbursements, not exceeding the amount approved in said estimates. Every such superintendent of canal repairs shall apply the sums so advanced exclusively to the work or object named in the estimate for the expenditure and approved by the superintendent of public works or the assistant superintendent of public works.

§ 3. Section one hundred and forty-three of the canal law being chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-four and constituting chapter thirteen of the general laws, as amended by chapter two hundred and eleven of the laws of nineteen hundred, is hereby further amended to read as follows:

§ 143. **Drafts of money by the superintendent for the payment of contracts.**—The superintendent of public works may draw on the comptroller for any sum to be paid to a contractor on his contract, and if a copy of the contract shall have been duly filed in the office of the comptroller, and a receipt of the contractor for such drafts filed in the same office, the comptroller shall draw a warrant on the treasury for the amount of such draft. The superintendent of public works shall not be allowed to have in his hands at any one time more than one hundred thousand dollars, and every sum advanced to or received by him shall be deemed to remain in his hands until its application shall have been properly accounted for to the comptroller.

§ 4. This act shall take effect immediately.

Chap. 258.

AN ACT to amend chapter six hundred and fifty-nine of the laws of nineteen hundred and five, entitled "An act to provide for the erection of a new high school in the city of Syracuse."

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter six hundred and fifty-nine of the laws of nineteen hundred and five, entitled "An act to provide for the erection of a new high school in the city of Syracuse," is hereby amended to read as follows:

§ 4. Upon the execution of any contract, or contracts for the purchase, or upon the completion of the proceedings which may be instituted for the condemnation of real estate for the site for said high school building, the said board shall certify that fact to the common council, and also that the whole cost of such real estate will not exceed the sum of fifty thousand dollars; and upon the execution of the contract, or contracts for the erection, materials, furnishing and apparatus for such high school building, the said board shall certify that fact to the common council, and that the cost of such erection, materials, furnishing and apparatus, for such high school building, will not exceed the sum of one hundred fifty thousand dollars, or the balance remaining from the proceeds of the sale of the bonds herein provided for, after deducting the cost of the site for said building; thereupon the common council shall have authority, and it shall be its duty, by resolution duly adopted by it, and approved by the mayor, to cause registered or coupon bonds of said city to be issued in the name and upon the credit of said city, to be signed by the mayor and city clerk, in such amount as shall be required by said board, not exceeding the sum of fifty thousand dollars in case such certificate relates only to the purchase or condemnation of real estate for such site, and not exceeding the sum of one hundred fifty thousand dollars in case such certificate relates only to the contract or contracts for such erection, materials, furnishing and apparatus; and to the full amount authorized by this act in case such certificate or certificates relate to both the purchase or condemnation of

such site, and the contract or contracts for such erection, materials, furnishing and apparatus; which bonds in the sum of two hundred thousand dollars, whether issued at the same or different times, shall all bear the same date and be payable ten thousand dollars annually and shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually. A certified copy, or certified copies, of such resolution or resolutions shall be transmitted by the common council to the said board and the comptroller.

§ 2. This act shall take effect immediately.

Chap. 259.

AN ACT to amend the election law, in relation to the newspapers in the borough of Manhattan in which a list of the registration and polling places and boundaries of election districts shall be published.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the elections, constituting chapter six of the general laws," is hereby amended to read as follows:

§ 10. Designation of places for registry and voting, publication of same; and provision of furniture therefor.—On the first Tuesday of September in each year, the town board of each town, and the common council of each city, except New York and Buffalo, and the board of elections of the city of New York, shall designate the place in each election district in the city or town at which the meeting for the registration of electors and the election shall be held during the year. In the city of Buffalo the commissioner of elections shall designate such places for registry and election on the first Monday in August in each year. Each room so designated shall be of a reasonable size, sufficient to admit and comfortably accommodate at least ten electors at the time outside of the guard rail. No building, or part of a building, shall be so

designated in any city if within thirty days before such designation, intoxicating liquors, ale or beer, shall have been sold in any part thereof. No room shall be designated elsewhere in a city, if within thirty days before such designation, intoxicating liquors, ale or beer, shall have been sold in such rooms, or in a room adjoining thereto, with a door or passageway between the two rooms. No intoxicating liquors, ale or beer shall be sold in such building in a city or such room or adjoining room elsewhere after such designation and before the general election next thereafter, or be allowed in any room in which an election is held during the day of election or canvass of the votes. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor. If any place so designated shall thereafter and before the close of the election be destroyed, or for any reason become unfit for use, or can not for any reason be used for such purpose, the officers charged with the designation of a place for such election shall forthwith designate some other suitable place for holding such election. Not more than one polling place shall be in the same room, and not more than two polling places shall be in the same building. The officers authorized to designate such places in any town or city shall provide for each polling place at such election, the necessary ballot and other boxes, guard rails, voting booths and supplies therein, and the other furniture of such polling place, necessary for the lawful conduct of each election thereat, shall preserve the same when not in use, and shall deliver all such ballot and other boxes for each polling place, with the keys thereof, to the inspectors of each election district at least one-half hour before the opening of the polls at each election. The officers authorized to designate the registration and polling places in any city, except the city of New York, shall cause to be published in two newspapers within such city a list of such places so designated, and the boundaries of each election district in which such registration and polling place is located. Such publication shall be made in the newspapers so selected upon each day of registration and the day of election, and on the day prior to each such days. One of such newspapers so selected shall be one which advocates the principles of the political party polling the highest number of votes in the state at the last preceding election for governor, and the other newspaper so designated shall be one which advocates the principles of the political party polling the next highest number of votes for governor at said election. The board of election of the city of New York shall cause to be pub-

lished in two newspapers in each borough within such city a list of the registration and polling places so designated in each borough and the boundaries of each election district therein in which such registration and polling place is located; except that in the borough of Brooklyn, such publication shall be made in the newspapers designated to publish corporation notices therein; and except also that in the borough of Manhattan such publication shall be made in four daily newspapers published in the borough of Manhattan which advocate the principles of the political party polling the highest number of votes in the state at the last preceding election for governor, and also in four daily newspapers published in the borough of Manhattan which advocate the principles of the political party polling the next highest number of votes for governor at said election, one of which newspapers may be a daily newspaper published in the German language; which publications shall include the list of such registration and polling places and their boundaries, in the county of New York. Such publication shall be made in such newspapers upon each day of registration and the day of election and on the day prior to each of such days. Such publications shall be made in newspapers published in such boroughs which shall respectively advocate the principles of the political party which at the last preceding election for governor respectively cast the largest and next largest number of votes in the state for such office. The said board shall also cause to be published in the City Record on or before the first day of registration in each year a complete list of all the registration and polling places so designated and the boundaries of the election districts in which such places are located arranged in numerical order under the designation of the respective boroughs in which they are located. In selecting the newspapers in which such publications are to be made the said board shall keep in view the object of giving the widest publicity thereto.

§ 2. This act shall take effect immediately.

Chap. 260.

AN ACT creating a commission to confer with the governor and legislature of the state of New Jersey for the purpose of developing a system of transit between the city of New York and the state of New Jersey.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Within twenty days after this takes effect, the governor may in his discretion appoint a commission of three members to confer with the governor and the legislature of the state of New Jersey, or the duly designated representatives thereof, during the present session of such legislature or thereafter, for the purpose of securing the passage of an act by the legislature of that state providing for the appointment of a joint commission, under proper legislation of both states, to purchase the necessary land or water rights, and to secure the necessary federal consent to the construction of one or more bridges over the Hudson river from the city of New York to the state of New Jersey at the joint expense of the two states. The commissioners appointed in pursuance of this act shall receive no compensation for their services; but shall be entitled to their actual and necessary traveling and other expenses.

§ 2. The sum of one thousand dollars, or so much thereof as may be needed, is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of paying the expenses of the commissioners appointed pursuant to this act, payable by the treasurer on the warrant of the comptroller, on itemized vouchers certified to by the chairman of the commission.

§ 3. This act shall take effect immediately.

Chap. 261.

AN ACT to amend chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise the charter of the city of Dunkirk," relating to police commissioners and policemen.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title twenty-five of chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise the charter of the city of Dunkirk," as amended by chapter three hundred and three of the laws of eighteen hundred and ninety-four, chapter five hundred and twenty-nine of the laws of nineteen hundred and two and chapter three hundred and sixty-two of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 1. The mayor of said city is hereby authorized to appoint two persons not members of the common council, who with the mayor shall constitute the board of police commissioners of, in and for the city of Dunkirk. The mayor shall by virtue of his office be the president of said board, and the two persons appointed by him, one from each of the two principal political parties in said city, shall hold their office for the term of five years from the first day of May, eighteen hundred and ninety-four, and until their successors are appointed and qualified, unless sooner removed for cause, after a fair trial upon written charges by a vote of three-fourths of all the members of the common council of said city. If so removed the mayor is hereby authorized to fill the vacancy for the remainder of the term of the person or persons so removed, also to fill vacancies caused by resignation or otherwise. On or before the thirtieth day of April, eighteen hundred and ninety-four, or as soon as it can be done after the passage of this act, and on or before the thirtieth day of April in every fifth year thereafter, the mayor of said city shall appoint two members of said board, one for each of the two political parties in said city, as the members of the said board in addition to the mayor, the said appointed members to

hold their office until their successors are appointed and qualified. Said board is hereby authorized, by a majority vote, to appoint all regular policeman* of said city not to exceed eight in number, one of whom shall be by said board appointed to the position of night sergeant, and the persons so appointed shall hold their offices during good behavior or until removed by said board. Said board is hereby authorized to appoint one of said policemen as chief of police, and to make suitable rules and regulations prescribing his powers and duties and are also to make all necessary rules and regulations for the guidance, conduct and control of the policemen of said city. The compensation of said policemen is hereby fixed as follows, namely: The chief of police shall be entitled to a salary of ninety-five dollars per month. The other regular officers shall be paid as follows: For the first year of service on the force, sixty dollars per month; officers having served one year and less than three years, sixty-five dollars per month; officers of more than three years service, seventy-five dollars per month. The night sergeant shall receive five dollars per month, in addition to the salary he is entitled to, computed according to his years of service. The said chief of police shall in addition to his duties as chief of police be by virtue of his office clerk of the poor department. And the compensation above provided for, for said chief shall be his sole compensation. Said board is hereby authorized to appoint as many special policemen for special occasions as shall be deemed necessary for the public good, and to fix a reasonable compensation therefor, which shall be paid in the same manner as provided for regular policemen, and is also authorized to appoint as many special policemen, without pay, as said board may deem necessary, and said special policemen shall have all the powers of constables under the statutes of this state, in criminal cases, and of policemen under this act. When the policemen who shall have been appointed as provided in this act have entered upon the duties of their office, the term of office of all policemen heretofore appointed in said city shall end. Said board shall make an annual report to the common council of all matters pertaining to its management, costs and expenses, including such necessary expenses as have been incurred by it in the discharge of its duties.

§ 2. This act shall take effect immediately.

* So in original.

Chap. 262.

AN ACT to amend chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise the charter of the city of Dunkirk," relative to ascertaining indebtedness and issuing bonds.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixteen of title seven of chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise the charter of the city of Dunkirk," as amended by chapter three hundred and three of the laws of eighteen hundred and ninety-four, is hereby amended to read as follows:

§ 16. The common council of said city shall on or before the first day of June, nineteen hundred and six, proceed to ascertain the actual indebtedness of said city which accrued prior to the first day of May nineteen hundred and six, from whatever cause, which is properly chargeable to the general fund and to the street improvement fund including any balances due from abutting property owners or from the city, or otherwise, on account of any sewers laid in any of the streets of the city of Dunkirk and also on account of any pavements or macadamized roads laid on any of said streets, including the city's portion of the cost of the sewer system in the first and fourth wards of the city which is now under construction; provided however if said sewer system is not completed by the first day of May, nineteen hundred and six, then and in that case the time of ascertaining the indebtedness due and owing on account of the cost of the city's portion of said sewer system is hereby extended to a day not exceeding thirty days after the completion of said system of sewers and the proper assessment thereof, and when ascertained said common council shall have full authority and it shall be its duty to fund such indebtedness by the issue of the bonds of said city for the full amount thereof, for the payment of which bonds said city shall be fully liable according to the terms thereof. Said bonds shall be upon interest at a rate not exceeding four per centum per annum, payable annually.

The principal shall be payable at the rate of not less than two thousand dollars per year from the date of the issue thereof. Said common council shall negotiate said bonds for not less than the par value thereof and with the proceeds thereof shall pay such indebtedness. Said common council shall, each and every year after the issue of said bonds until the same are paid, levy and collect with the annual general tax, and in addition thereto, a sum of money sufficient to pay said bonds as they shall become due, together with the annual interest on the unmatured bonds. Any moneys received by the city of Dunkirk by or because of any indebtedness funded and for which bonds have been issued as herein provided shall be credited to and paid in to the general fund.

§ 2. This act shall take effect immediately.

Chap. 263.

AN ACT to amend chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise the charter of the city of Dunkirk," in relation to the paving of Railroad avenue.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of title sixteen of chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise the charter of the city of Dunkirk," as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and ninety-one, chapter two hundred and twenty-eight of the laws of eighteen hundred and ninety-two and chapter six hundred and seventy-five of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 2. Whenever the common council shall determine to grade and macadamize or remacadamize, or to grade and pave or repave any street or any part of a street, it shall pass a resolution declaring its intention so to do, which resolution shall, in substance, state that the common council intends to improve the street or part of the street therein described between two points therein

specifically to be named, either by grading and paving or macadamizing the same, and thereupon the city clerk shall cause to be published for two successive weeks in the official paper of said city and in some general contractors paper, and in such other newspaper or newspapers as the common council may see fit, a notice of the passage of such resolution, together with the resolution itself or the substance thereof, and the further notice that the common council will receive bids for the work and materials upon specifications to be delivered to any person desiring to make such bid on the job of doing the work and furnishing the materials therefor, the said common council reserving the right to reject any and all bids that may be made, said notice to also state the time and place when and where such bids will be opened and examined by said common council. The city clerk shall, on or before the day of the first publication of said notice, cause to be served upon the owners of property fronting on such street or portion of a street so to be improved, by delivering to and leaving with such owner or a member of his immediate family of suitable age and discretion, and in case said owner is a non-resident or cannot with due diligence be found, then by delivering to and leaving the same with the agent of such owner or to the occupant or lessee of said premises, or by depositing the same in the postoffice at Dunkirk, in a securely post-paid wrapper directed to such owner at his last known place of residence, a notice requiring the owner of each lot on such street or portion of a street so to be improved, within fifteen days from the day of service thereof, to cause connections, when such connections have not been made or when existing connections, are deemed unsuitable or insufficient by the city engineer, to be made with the sewer, gas and water pipes in front of each lot and extending to the curb line, such connections to be of a construction and kind to be recommended by the city engineer, and approved by said common council, to be made under his supervision and subject to his approval together with a further notice that should any such owner or owners neglect to cause such connection to be made within said fifteen days, that then the said common council will cause such connections to be made, and that the cost and expense of making the connections in front of each lot will be assessed to the owner of each lot as a part of his assessment for improving such street or portion of the street, and in the same roll and subject to the same opportunity to be heard and reviewed, and the said common council shall have power upon the default of any such property owner to comply with the terms

of said notice to cause such connections to be made and the cost and expense of making such connections in such an event in front of such lot shall be assessed to the owner of such lot as a part of his assessment for improving such street or portion of the street, and the expense of making such connections shall be a charge upon the property in front of which said connection shall be made. In the exercise of the power hereby conferred upon said common council the following rules shall be observed: Central avenue for the purposes of this act is hereby divided into three sections. The first section begins with the south line of Front street in said city and ends with the north line of Fourth street. The second section begins with the north line of said Fourth street in said city, and ends at the New York, Chicago and Saint Louis railroad, and the third section begins at the terminal point last named and ends with the southerly boundary line of said city. Lion street for the purposes of this act, is hereby divided into five sections. The first section begins with the south line of Front street and ends with the south line of Second street; the second section begins with the south line of Second street and ends with the center line of Third street; the third section begins with the center line of Third street and ends with the north line of Fifth street; and the fourth section begins at the north line of Fifth street and ends with the north line of Seventh street; and the fifth section begins at the north line of Seventh street and ends with the city line. Eagle street, for the purposes of this act is hereby divided into three sections. The first section begins with the south line of Front street, and ends with the north line of Third street; the second section begins with the south line of Third street and ends with the north line of Sixth street; and the third section begins with the north line of Sixth street and ends at the southerly line of property purchased in eighteen hundred and ninety-eight by the city of Dunkirk of Elkin D. Warner and John D. Patterson for the purposes of a street. Railroad avenue for the purposes of this act is hereby divided into three sections. The first section begins with the east line of Lion street and ends with the northwest line of Talcott street; the second section begins with the northwest line of Talcott street and ends with the northwest line of Courtney street; the third section begins with the northwest line of Courtney street and ends at the city line. As to all other streets which cross Central avenue, such streets must be divided into sections which begin on the sides of said Central avenue, which sections

shall extend from said Central avenue easterly or westerly as the case may be. All streets, except Lion street, Eagle street and Central avenue, for the purposes of this act, shall be divided by the common council into sections before taking any steps for the paving or macadamizing thereof. In dividing such streets into sections, the following rules shall be observed by the common council: No section shall contain less than four blocks, if there be any four blocks on the street to be improved, if there should be less than four blocks in the street to be improved, then in that case the section shall cover the whole of such street, if there should be more than four blocks and less than eight blocks in the street to be improved, the section shall cover the whole of that street. The word block as here used shall be construed to mean from one wide street to the next wide street disregarding the narrow streets intervening between the wide streets, and treating the space from one wide street to the next wide street as one continuous block, said common council shall in all cases by their said resolution include the whole of one of said sections so described, and may include the whole of two or more of said sections, but in no case, shall they by their said resolution divide either of the sections hereby defined or any of the sections hereby authorized to be made by said common council. The common council shall, previous to the publication of said resolution and accompanying notices, prepare and print, detailed specifications for the improvement of said street or part of a street proposed by said resolution to be improved, by macadamizing and by paving with paving brick with and without a concrete foundation, and by paving with Medina stone, and with such other and different kinds of paving material as shall be designated by a majority vote of the members of the said common council, said specifications to show the kind and character of the materials to be used, and the manner of their use, the form and manner of its construction, the character of the grading to be done, the form and the manner of the construction of the gutters and their margins, and particularly showing all the several parts of the construction of the work and what it shall be when completed and such other provisions as may be thought proper and necessary by the city engineer of said city. The common council shall also prepare and print bidding sheets in form for bidding for the job of macadamizing the street or portion of a street to be improved, also in form for bidding for the job of paving the street or portion of a street to be improved with the different kinds of material for which specifications shall

have been prepared. When any such job or jobs are to be let, said city engineer shall furnish to any persons desiring to make such bid copies of said specifications with a copy of said bidding sheets attached thereto. All persons making bids in the several premises shall make such bid upon said bidding sheets, and shall severally accompany their bids with a certified check payable to the order of the city treasurer for five per centum of the costs of such improvements at the price fixed by such bidder. All said bids so delivered to and received by the said common council shall be publicly opened and examined by it on the twentieth day after the day of the first publication of said resolution and said accompanying notices whereupon the said common council shall immediately ascertain and determine which is the lowest bid made by a responsible bidder for the proposed macadam and which are the lowest bids on all the several respective classes of paving for which bids have been received and shall thereupon forthwith publish in the official city paper in the form of a notice to the fronting property owners upon such street or portion of a street so to be improved, the lowest bids offered for each of these several forms of improvements without naming any of the persons who made such bids, together with the further notice that whether such improvement will be made by macadam or pavement, and the kind and character of the pavement will depend upon the election of the owners of the foot frontage along that street or part of a street so to be improved and that such election may be effected in the form and manner prescribed by this act, and that in case such adjoining owners fail to make such election that then and in that case such street will be improved with such materials as shall be determined upon by said common council. Within fourteen days after the day of the first publication of said notice, showing the lowest bids received in the case, the adjoining owners on the several sections of the street or part of a street proposed to be improved, shall make their election between macadam and paving, and as to the kind of paving in the form and manner herein provided. But in all cases the adjoining owners of each particular section shall decide between macadam and paving, and as to the kind of paving for such section, and the adjoining owners of any other section shall have no voice in the determination. Subject, however, to the condition that when the cost and expense of any proposed improvement will not exceed the sum of five hundred dollars, the common council shall decide what

materials shall be used in the making of such improvement without notice to any person whatever, in any form or manner whatever, and shall make such improvement accordingly. The common council shall stop all expenditures on the streets of the City of Dunkirk, for paving and macadamizing any of such streets for the political year in which the work is being done, whenever the liabilities of the city for the current year, on account of paving or macadamizing cross streets, and on account of other expenses connected therewith, including all its liabilities springing from such improvement of such streets, shall reach the sum of fifteen thousand dollars, and such additional amount as may be in the city treasury to the credit of the street improvement fund, and such work and expenditures shall not be resumed until after the commencement of the next political year, as defined by section eight of title seven of the city charter. In determining the amount of such liability the money actually paid by the city and all money which it has become liable to pay in the premises shall be included in the sum of its liabilities. In no event shall the common council in making such improvement use of the city's moneys more than fifteen thousand dollars in any one year, and such additional sums as may be left from previous years in the street improvement fund. In all cases provided for by this act wherein the election or choice is to be made by the fronting property owners upon the section proposed to be improved as to the character of the improvement or the materials to be used, when such property is owned by a corporation the vote or choice thereof shall be made by an officer of such corporation thereunto duly authorized by a resolution of its board of directors, trustees or managers.

§ 2. This act shall take effect immediately.

Chap. 264.

AN ACT to amend chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise the charter of the city of Dunkirk," in relation to tax for improvements.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fourteen of title sixteen of chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five, entitled "An act to revise the charter of the city of Dunkirk," as amended by chapter two hundred and thirty-two of the laws of eighteen hundred and ninety-one, is hereby amended to read as follows:

§ 14. For the purposes of providing the money to pay the cost of the city's portion of said improvement herein provided for, the common council may assess upon all the property within the city of Dunkirk, liable to general taxation for public uses, and collect therefrom each year a sum in no case to exceed the sum of fifteen thousand dollars, to be known as the street improvement fund. At any regular meeting held on or before the first day of September in any year the common council is authorized to assess and collect such street improvement fund subject to the provision that only one such assessment can be made in any one political year. Such street improvement fund shall be kept separate and apart from any other money or funds of the city. The assessment for improvements of streets under this act paid by the city as adjoining owner along a street improved as herein provided shall be paid by the city out of the general fund and the money so paid in any one political year shall be collected the next political year with the general tax of such succeeding year in the same form and manner in which other general taxes are collected. The common council of any one political year shall order all the street improvements herein described with reference to the street improvement fund of that particular political year, and said common council is hereby prohibited from ordering any such improvements in anticipation of the street improvement fund

of any succeeding political year, subject, however, to the provision, that in case an improvement is fairly ordered within the spirit of the last preceding paragraph and not fully completed within the year in which the order was made, that then and in that case, the said improvement must be completed the next succeeding political year.

§ 2. This act shall take effect immediately.

Chap. 265.

AN ACT to amend chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, known as the highway law, in relation to limitations upon laying out highways.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, known as the highway law, as amended by chapter five hundred and eight of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 90. Limitations upon laying out highways.—No highways shall be laid out less than three rods in width, nor through an orchard of the growth of four years or more, or any garden cultivated as such for four years or more, or grape vineyards of one or more years' growth, and used in good faith for vineyard purposes, or buildings or any fixtures or erections for the purposes of trade or manufactures, or any yard or inclosure necessary to the use and enjoyment thereof, without the consent of the owner or owners thereof, unless so ordered by the county court of the county in which the proposed highway is situated; such order shall be made on the certificate of the commissioners of highways of the town or towns in which the proposed highway is situated, showing that the public interest will be greatly promoted by the laying out and opening of such highway, and that commissioners appointed by the court have certified that it is necessary; a copy of the certificate with eight days' notice of the time and place of the hearing before the county court shall be served on the

owners of the land, or if they are not residents of the county upon the occupants; the county court upon such certificates, and the proofs and other proceedings therein, may order the highway to be laid out and opened, if it deems it necessary and proper. The commissioners of highways shall then present the order of the county court, with the certificate and proofs upon which it was granted, certified by such court to the general term of the supreme court in the judicial department in which the land is situated upon the usual notice of motion, served upon the owner or occupant, or the attorney who appeared for them in the county court. If such general term of the supreme court shall confirm the order of the county court, the commissioners of highways shall then lay out and open such highway as in other cases. The provisions of this section shall not apply to vineyards planted or to buildings, fixtures, erections, yards, or inclosures, made or placed on such land after an application for the laying out and opening the highway shall have been made. In case the highway to be laid out shall constitute an extension or continuation of a public highway already in use, and shall not, as to such new portion, exceed half a mile in length, the commissioners may lay out such extension or continuation of a width of less than three rods, provided however, that it be not less than the widest part of the highway of which it is an extension or continuation. In such case the commissioners shall specify in their certificate the precise width of the new portion of such highway, and shall certify that such width is as great at least as the widest part of the highway of which it is a continuation or extension. No highway shall be laid out which shall be identical or substantially so with a highway previously discontinued or abandoned for public purposes within seven years of such discontinuance or abandonment, in counties adjoining cities with upward of one million inhabitants.

§ 2. This act shall take effect immediately.

Chap. 266.

AN ACT to repeal chapter six hundred and seventeen of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Lewiston water works company."

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and seventeen of the laws of eighteen hundred and seventy-four, entitled "An act to incorporate the Lewiston water works company" is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 267.

AN ACT to repeal chapter five hundred and sixty-one of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the Lewiston water supply company in Niagara county, New York."

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter five hundred and sixty-one of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the Lewiston water supply company in Niagara county, New York," is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 268.

AN ACT to repeal chapter three hundred and sixty-six of the laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the Buffalo and Niagara power and drainage company."

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and sixty-six of the laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the Buffalo and Niagara power and drainage company" is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 269.

AN ACT to repeal chapter one hundred and six of the laws of eighteen hundred and eighty-six, entitled "An act to incorporate the Lockport water supply company."

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter one hundred and six of the laws of eighteen hundred and eighty-six, entitled "An act to incorporate the Lockport water supply company" is hereby repealed.

§ 2. This act shall take effect immediately.

Chap. 270.

AN ACT to amend chapter four hundred and twenty-one of the laws of nineteen hundred and four, entitled "An act to enable the village of Watkins, and the water and sewer commissioners thereof to borrow money for the construction and maintenance of an electric or other improved lighting system."

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter four hundred and twenty-one of the laws of nineteen hundred and four, entitled "An act to enable the village of Watkins, and the water and sewer commissioners thereof to borrow money for the construction and maintenance of an electric or other improved lighting system," is hereby amended to read as follows:

§ 2. No commissioner shall be directly or indirectly interested in any contract relating to work or materials therefor nor in any work for* materials for any portion of the electric light plant, nor shall he receive any compensation for his services, nor for anything pertaining thereto, further than all necessary expenses and disbursements paid by him.

§ 2. Said chapter is hereby amended by adding thereto seven new sections to be sections three, four, five, six, seven, eight and nine and to read respectively as follows:

§ 3. The said commissioners and all persons acting under their authority shall have the right to use the ground or soil under any street, highway or road within said village or in the county of Schuyler and all public parks of said village for the purpose of introducing and carrying on such electric-light plant and the furnishing of light therewith to said village and the inhabitants thereof.

§ 4. The said commissioners shall establish a scale of rents, charges and prices to be paid from time to time by persons and parties to whom electric light shall be furnished and said commissioners shall prescribe and apportion the supply of electric light to parties desiring and paying therefor in said village so far as the said plant and the facilities afforded will reasonably

* So in original.

permit, and said commissioners and their respective employees shall be authorized at all times to enter into any building or place where electric light is so furnished and to examine as to the light and quantity used and the manner of using it and the wiring of the building or place where it is so used.

§ 5. The connecting and supplying wires and lines leading from the distributing wires and lines to the buildings or places where electric light is so furnished shall be maintained and kept in repair at the expense of the owner or occupant of such building or place, and shall not be inserted or connected with the main wires or lines until a permit therefor shall be obtained from the said commissioners or other person having charge thereof, and all such connecting, wires and lines shall be constructed and maintained in the manner directed by said commissioners or persons in charge.

§ 6. The entire annual receipts for electric lights shall be applied to the maintenance of said plant and the furnishing of light to said village and the inhabitants thereof and any surplus after so maintaining the same and supplying such lights shall be set aside as a sinking fund for the principal of said bonds and the payments thereof, which sinking fund shall be managed by said commissioners.

§ 7. In case the entire annual receipts for electric lights so furnished to and paid for by such persons shall in any year not be sufficient to pay the interest on said bonds and the other expenses of maintenance of said plant and furnishing electric lights to said village and the inhabitants thereof, it shall be the duty of the board of trustees of said village and they are hereby directed to cause to be raised the amount of such deficiency by a tax to be assessed and levied and collected annually upon the taxable property of said village, at the same time, and in the same manner as the annual taxes in said village are levied, assessed and collected, and to pay the amount so raised over to said commissioners and to pay any other sums to said commissioners which shall be raised by said trustees for the purpose of furnishing lights to said village, and said commissioners shall apply said moneys so raised and paid to them toward the maintenance of said plant the furnishing of such light and the payment of the interest on said bonds, and said board of trustees of said village shall annually in the same manner raise by tax the sum of one thousand dollars for the purpose of a sinking fund to be used in the payments of said bonds.

§ 8. The charges for electric light furnished to any person or persons by said commissioners shall be a lien on the real property upon which it is used.

§ 9. The said commissioners shall annually on the first day of March in each year, and at such other times as required by the board of trustees of said village, deliver to said board of trustees a detailed statement of their accounts, a general statement of all their work and condition of their affairs and state of finances, including a full detail of the amount expended in the progress of the work and the maintenance thereof, and a particular statement of any deficiency, as, to meeting the interest on the principal sum borrowed, and all books and papers of every kind kept by said commissioners upon which are entries of their transactions as such shall at all reasonable time be subject to inspection by said board of trustees and by every taxpayer of said village.

§ 3. This act shall take effect immediately.

Chap. 271.

AN ACT enabling the board of supervisors of the county of Ontario to appoint and pay a county bacteriologist.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of supervisors of Ontario county shall have the power, by majority vote of said board, to appoint, and at their pleasure remove, a county bacteriologist for said county of Ontario.

§ 2. Such board of supervisors shall have, by a vote of a majority of the members thereof, power to pay such county bacteriologist, so appointed, a salary not to exceed fifteen hundred dollars a year, and also to provide any necessary supplies, equipment and materials not otherwise provided; and such board of supervisors may, from time to time, make such rules and regulations concerning the duties and liabilities of such officer as said board may deem for the best interest of the county.

§ 3. This act shall take effect immediately.

Chap. 272.

AN ACT to amend the liquor tax law in relation to cancellation of liquor tax certificates.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section twenty-eight of chapter one hundred and twelve of the laws of eighteen hundred and ninety-six, as amended by chapter three hundred and twelve of the laws of eighteen hundred and ninety-seven, as amended by chapter three hundred and sixty-seven of the laws of nineteen hundred, as amended by chapter six hundred and forty of the laws of nineteen hundred and one, as amended by chapter four hundred and eighty-six of the laws of nineteen hundred and three, and as amended by chapter six hundred and eighty of the laws of nineteen hundred and five, is hereby amended to read as follows:

Subdivision 2. At any time after a liquor tax certificate has been issued to any corporation, association, copartnership or person under section eleven of this act, said liquor tax certificate may be revoked and canceled if material statements in the application of the holder of such certificate were false, or if the consents required by section seventeen are not properly filed as required by said section, or if the holder of said certificate was not for any reason entitled to receive or hold the same, or to traffic in liquors, or if any provision of this act is violated at the place designated in said certificate as the place where such traffic is to be carried on by the holder of said certificate, or by his agent, servant, bartender or any person whomsoever in charge of said premises, or if the holder of said certificate shall violate any of the provisions of this act at any place. For the purpose of obtaining such an order, the state commissioner of excise, the deputy state commissioner of excise, or any taxpayer of the city, village or town for which such liquor tax certificate was issued may present a verified petition to a justice of the supreme court, or a special term of the supreme court of the judicial district, or the county judge of the county in which such traffic in liquors is designated to be carried on, or in which the holder of such certificate resides, or, if such holder of a liquor tax certificate is authorized to traffic in liquor under sub-

division four or five of section eleven of this act, to a justice of the supreme court of the judicial district in which the principal office within this state of the corporation, association, copartnership or person is located, for an order revoking and canceling such certificate upon either or all of the grounds hereinbefore stated. Such petition shall state the facts upon which such application is based, and the state commissioner of excise shall be made a party to the proceeding, and from all other parties thereto shall be entitled to due notice of all proceedings, and shall be duly served with copies of all papers and pleadings where such notice of proceedings is not given to, and such service of papers and pleadings is not made upon, an attorney appearing therein upon his behalf pursuant to a designation under section ten of this act. Upon the presentation of the petition, the justice, judge or court shall grant an order requiring the holder of such certificate to show cause before him, or before a special term of the supreme court of the judicial district, on a day specified therein, not more than ten days after the granting thereof, why an order revoking and canceling such liquor tax certificate should not be granted; and said order shall also contain an injunction restraining the said certificate holder from transferring or surrendering such certificate for rebate, except as is hereinafter provided, until the final determination of the proceeding. Before granting such order to show cause or at any time during the pendency of said proceeding, upon motion of any party thereto on not less than five days' notice, said justice, judge or court may as a matter of discretion, if the petitioner be a taxpayer other than the state commissioner or deputy state commissioner of excise, order him to present a bond to the people of the state of New York, with sufficient sureties, in a penal sum of not more than five hundred dollars nor less than one hundred dollars, as said justice, judge or court shall direct, to be approved by the said justice, judge or court and filed in the office of the state commissioner of excise, together with a copy of the order requiring such bond, within five days thereafter, conditioned that the said proceeding will be prosecuted to a final determination without delay, and will not be suspended, compromised, settled or discontinued except in pursuance of an order of the court as provided herein, and the state commissioner of excise may commence and maintain an action for the full penalty thereof on account of the breach of any condition of said bond as though such bond were given under section eighteen of this act. A copy of such petition and order shall be served upon the holder of such certificate, and

the officer issuing the same, or his successor in office, and upon the state commissioner of excise, in the manner directed by such order, not less than five days before the return day thereof. On the day specified in such order, the justice, judge or court before whom the same is returnable shall grant such order revoking and canceling the said liquor tax certificate, unless the holder of said liquor tax certificate shall present and file an answer to said petition, which answer denies each and every violation of the liquor tax law alleged in the petition, and raises an issue as to any of the facts material to the granting of such order, in which event the said justice, judge or court shall hear the proofs of the parties in relation to the allegations of the petition or answer. If the said evidence establishes any of the facts hereinbefore set forth as sufficient to revoke and cancel a certificate, an order shall be granted by said justice, judge or court revoking and canceling such certificate. Said order shall also provide that the holder of said liquor tax certificate, or any other person having such certificate in his possession or under his control, shall forthwith surrender said certificate to the officer who issued the same, or to his successor in office. A criminal prosecution and conviction for any violation of the liquor tax law shall not be a condition precedent to the granting of an order revoking and canceling any liquor tax certificate for any violation of this act. Upon the entry of such order in the county clerk's office of the county in which the traffic in liquors is authorized to be carried on under the certificate so revoked, and filing a copy thereof with the officer who issued such certificate, or his successor in office, and the service of a certified copy thereof upon the holder of said liquor tax certificate, or such substituted service as the court, judge or justice may direct, all the rights of the holder of said liquor tax certificate under such certificate, to traffic in liquors or to any rebate thereon under this act, shall cease; and the holder of said liquor tax certificate, or any other person having such certificate in his possession or under his control, upon whom service of a certified copy of said order shall be made in like manner, shall immediately surrender said certificate to the officer who issued the same, or to his successor in office. The neglect or refusal on the part of any person to surrender said certificate in pursuance of such order immediately upon the service thereof, shall be a contempt of court, punishable in the manner provided by the code of civil procedure. Upon the granting, entry and service of an order revoking and canceling a liquor tax certificate issued under subdivision three of section eleven to any

person who is a licensed druggist or licensed pharmacist, such person shall, in addition to the other penalties prescribed by this act, forfeit the use of his license as such druggist or pharmacist for the term of one year and be deprived of all rights and privileges thereunder during such period, and such license shall be surrendered with the liquor tax certificate so revoked and canceled, to be held by the officer to whom the same is surrendered, or his successor in office until the expiration of such period of suspension; and upon the granting, entry and service of an order revoking and canceling a liquor tax certificate issued to any person who is not a licensed druggist or a licensed pharmacist, but is in copartnership with or has such licensed druggist or licensed pharmacist in his employ at the place for which such liquor tax certificate was issued, and it shall appear from said order that any violation of this act has been committed by such licensed druggist or licensed pharmacist, or with his knowledge or consent at the place for which such liquor tax certificate was issued, the license of such druggist or pharmacist shall be similarly forfeited and surrendered. For the term of one year thereafter, no liquor tax certificate shall be issued to any corporation, association, copartnership or person to traffic in liquors under subdivision three of section eleven of this act, at the place for which such revoked and canceled liquor tax certificate was issued. The neglect or refusal on the part of any person to surrender his said license immediately upon the service of such order shall be a contempt of court, punishable in the manner provided by the code of civil procedure. Costs upon such proceeding may be awarded in favor of and against the petitioner or the certificate holder, in such sums as in the discretion of the justice, judge or court before which the petition is heard, may seem proper. At the time of the return of the show cause order, or at any time thereafter during the pendency of the proceeding upon five days' notice to the certificate holder by any party, the justice, judge or court granting the same may grant an injunction order restraining the certificate holder, his agents and servants from trafficking under the certificate or certificates sought to be canceled in the proceeding, or at the place or places for which the same were issued, and requiring that the said certificate or certificates be immediately delivered to the officer who issued the same, to be held until the final determination of the proceeding, provided that, if the material allegations of the petition be upon information and belief, the justice, judge or court must require the presentation of one or more affidavits containing positive averments made by witnesses having personal knowledge of facts constituting one or

more of the violations of law set forth in the petition. Before granting such injunction order said justice, judge or court may, if the petitioner be a taxpayer other than the state commissioner or deputy state commissioner of excise, require him to file a bond, with sufficient sureties, to the certificate holder, to be approved by the justice, judge or court, conditioned that, in case the certificate holder is successful in the proceeding, the petitioner will pay all costs taxed and allowed, and all damages not exceeding the sum of two hundred and fifty dollars. Such injunction order shall be served upon the certificate holder as provided therein, and failure to comply with its requirements shall be a contempt of court. No proceeding instituted for the cancellation of a liquor tax certificate shall be suspended, compromised, settled or discontinued except by order of the justice, judge or court before which the same is pending, upon not less than eight days' written notice to all parties, including the state commissioner of excise, of the time and place, when and where application for such order will be made. The granting of such order of discontinuance must be for sufficient cause in the discretion of the justice, judge or court, which must be recited therein, and shall be upon such terms and conditions as shall be prescribed in the order. If any person shall attempt or offer to make any settlement or compromise of any such proceeding, except as above provided, or shall demand, or receive, or offer to receive, directly or indirectly, any money or other thing of value as a consideration for not commencing or prosecuting any proceeding for the cancellation of a liquor tax certificate, he shall be guilty of a misdemeanor, and, upon conviction, shall be subject to the same penalties prescribed in subdivision one of section thirty-four of this act. In case a liquor tax certificate is surrendered pursuant to an injunction order or otherwise during the pendency of a cancellation proceeding, and the petitioner shall be unsuccessful therein, the final order shall provide that a pro rata rebate be computed by the state commissioner of excise for the actual time that traffic has been suspended under the injunction order, and the said state commissioner shall prepare two orders for the payment of such rebate, one order for the one-half thereof directed to the state treasurer, to be paid by him on the certificate of the comptroller, and one order for the one-half of such rebate directed to the fiscal officer of the proper locality, to be paid by such fiscal officer out of any excise or other moneys of such locality applicable thereto, as provided in section twenty-five of this act in case of voluntary surrender of a certificate.

§ 2. This act shall take effect immediately.

Chap. 273.

AN ACT to amend the code of civil procedure, in relation to the fees of the clerk of the city court of the city of New York.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The code of civil procedure is hereby amended by inserting therein a new section to be section thirty-one hundred and sixty-four-a, and to read as follows:

§ 3164-a. The clerk of the city court of the city of New York is entitled to receive for the use of the city of New York, for the services performed by him the following fees and none other: For filing a note of issue for the general or equity calendar, three dollars; for entering final judgment in an action, including the filing of the judgment roll, fifty cents; and ten cents in addition for each folio exceeding ten, contained in said judgment. For filing and entering an order directing the change of name, one dollar for each name so changed. For entering any other order or an interlocutory judgment, ten cents for each folio exceeding five. For a certified or other copy of an order, record, or other paper, entered or filed in his office, five cents for each folio. For filing and entering a certificate of satisfaction, of a judgment twenty-five cents and for certifying a copy thereof twelve cents. For filing and entering an assignment of a judgment twenty-five cents, and for certifying a copy thereof twelve cents. For filing and entering a release of a judgment twenty-five cents, and for certifying a copy thereof twelve cents. For certifying a transcript of the docket of a judgment twelve cents. For an extract of the minutes of a trial ten cents. For attesting the correctness of the copy of any paper or record on file in his office, ten cents for each folio. For a certificate other than herein described, twenty-five cents. For making and certifying a search for any paper or record, one dollar. For comparing and certifying the printed papers on appeal from an order or judgment taken as prescribed in article fourth of title first of chapter twenty of this act, one cent per folio thereof. But where the attorneys for all the parties interested, other than parties in default, or against whom a judgment or a final order has been taken, and is not appealed from, stipulate in writing that a paper

is a copy of any paper whereof a certified copy is required by any provisions of this act, the stipulation takes the place of a certificate, as to the parties so stipulating, and the clerk is not required to certify the same, or entitled to any fees therefor. And the paper so proved by stipulation shall be received by the clerks of all the courts and by the courts and shall be used or filed with the same force and effect as if certified by a clerk of the court.

§ 2. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 274.

AN ACT to amend chapter six hundred and eighty-one of the laws of nineteen hundred and five, entitled "An act to supplement the provisions of law relating to the department of finance of the city of Syracuse."

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter six hundred and eighty-one of the laws of nineteen hundred and five, entitled "An act to supplement the provisions of law relating to the department of finance of the city of Syracuse," is hereby amended to read as follows:

§ 3. It shall be the duty of the common council to include in any and every ordinance ordering, imposing or levying taxes or assessments for any purpose authorized by law in addition to the aggregate amount required for such purpose, not less than one nor more than three per centum of said aggregate amount, as the board of estimate and apportionment shall determine and certify to the common council as being necessary to provide for deficiencies in the actual product of the amount so imposed and levied.

§ 2. This act shall take effect immediately.

Chap. 275.

AN ACT to amend the labor law, relative to the labeling of goods unlawfully manufactured.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and two of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," as amended by chapter one hundred and ninety-one of the laws of eighteen hundred and ninety-nine, is hereby amended to read as follows:

§ 102. Goods unlawfully manufactured to be labeled.—Articles manufactured, altered, repaired, or finished contrary to the provisions of section one hundred of this chapter, shall not be sold or exposed for sale by any person. The commissioner of labor may conspicuously affix to any such article found to be unlawfully manufactured, altered, repaired or finished, a label containing the words tenement made printed in small pica capital letters on a tag not less than four inches in length, or may seize and hold such article until the same shall be disinfected or cleaned at the owner's expense. The commissioner of labor shall notify the person stated by the person in possession of said article to be the owner thereof, that he has so labeled or seized it. No person except the commissioner of labor shall remove or deface any tag or label so affixed. Unless the owner or person entitled to the possession of an article so seized shall provide for the disinfection or cleaning thereof within one month thereafter it may be destroyed.

§ 2. This act shall take effect October first, nineteen hundred and six.

Chap. 276.

AN ACT to authorize the city of Auburn to issue bonds to provide for the constructing and equipping of a new grammar school and an addition to the high school, and enlarging their premises and for improving other school buildings.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of Auburn is hereby authorized to issue bonds to the amount of one hundred and fifty thousand dollars to raise funds for the constructing and equipping of a new grammar school and an addition to the high school, and enlarging the premises and for improving other school buildings; said bonds to be of the denomination of one thousand dollars each, bearing interest at a rate not exceeding four per centum per annum, payable semi-annually; ten thousand dollars of principal to be payable on the first day of October, nineteen hundred and eight, and a like sum of principal on the first day of October in each year thereafter, until the whole amount herein authorized shall be paid.

§ 2. The board of education of the city of Auburn may, from time to time, and in such amounts, within the limits of this act, as it shall determine, require the mayor and clerk of the city of Auburn to sign and issue such bonds, sealed with the city seal, pledging the faith and credit of the city of Auburn for the payment thereof, and all bonds thus issued shall contain a recital that they are issued pursuant to and in conformity with the provisions of this act, which recital shall be conclusive evidence of their validity and of the regularity of their issue.

§ 3. Said bonds shall be sold by the comptroller of said city, for not less than the par value thereof, at such times and in such manner as the said board of education may direct; and the proceeds of such sale shall be paid to and deposited by the treasurer of said city and drawn out by said board for the purposes contemplated by this act in the same manner as other school moneys of said city are now required by law to be deposited and drawn out.

§ 4. The said board of education shall in the year nineteen hundred and eight, and in each year thereafter until all of the

bonds issued under this act shall have been paid, include in its annual budget and certify and report to the common council of said city, in addition to the amount needed for other school expenses, a sum sufficient to pay the bonds maturing in each of said years, and to pay interest on outstanding bonds, and the amount so certified shall be levied, collected and deposited, in each of said years, in the same manner as other school taxes are levied, collected and deposited in said city, and shall be applied by said board to the payment of said bonds as the same mature; and the sum so raised shall be considered as authorized in addition to the amount authorized to be raised for building purposes within the meaning of the limitation imposed upon the powers of said board to raise money for such purposes by section twenty-eight of chapter five hundred and seventy-seven of the laws of eighteen hundred and seventy-five, as amended by chapter three hundred and eighteen of the laws of eighteen hundred and seventy-nine.

§ 5. The authority granted in and by the first section of this act shall not be exercised except upon the vote of the inhabitants of said city in favor of such exercise as provided in this section. The common council of said city shall at the annual election to be held in said city on the third Tuesday in May, nineteen hundred and six, for the election of commissioners of public schools, submit to the inhabitants of said city a proposition to exercise said authority. The vote on said proposition shall be taken by ballot which shall be indorsed "new school buildings," and there shall be written or printed or partly written and partly printed on the inside thereof the words "For creating a debt for constructing and equipping a new grammar school and an addition to the high school, and enlarging their premises, and for improving other school buildings," or "Against creating a debt for constructing and equipping a new grammar school and an addition to the high school, and enlarging their premises, and for improving other school buildings." And the said common council shall provide a separate box in which the said ballots shall be deposited by the inspectors of such election as the same shall be received by them from the persons entitled to vote thereat. Every person of the age of twenty-one years and upward, residing within the district where his or her vote is offered, and entitled to hold lands within the state, who owns in his or her own right, or whose husband or wife owns real property subject to taxation for school purposes in said city and every resident of such district who if not disqualified by sex would be authorized to vote at general elec-

tions in said city, who owns personal property taxed for school purposes in said city, exceeding fifty dollars in value or who has permanently residing with him or her a child or children of school age, some one or more of whom shall have attended the public schools of said city for a period of at least fourteen weeks during the year preceding, and no others, shall be allowed to vote at such elections. All penalties provided by law for illegal voting at any general election for the election of city officers for said city, shall apply to such election; and any person offering to vote may be challenged as at a general election aforesaid; and the same proceedings had thereon, as are or shall be prescribed by law in relation to general elections, so far as the same shall be applicable to the election provided for in this section. A record shall be kept of the names of all persons who shall vote or offer to vote on said proposition and of those whose votes shall be rejected with a statement of the reasons therefor. The city clerk shall give notice in writing to the inspectors of election in the several districts wherein such election is to be held, stating the proposition herein authorized to be voted upon, or instead thereof deliver to each of said inspectors a copy of this act, and shall also publish a copy of the same in one or more of the daily papers in said city for the period of five days prior to the day of such election. The inspectors of election shall at the close of the polls at such election proceed to canvass the votes cast for and against such proposition and declare aloud in the presence of bystanders the number of votes cast for and the number of votes cast against said proposition, and shall also certify in writing under their hands the result and file said certificates on the same or next day thereafter with the city clerk. On the Thursday following the common council of said city shall meet at their usual place of meeting at ten o'clock in the forenoon and proceed to canvass the returns made by such inspectors and shall then and there determine, declare and certify the number of votes cast for such proposition and the number of votes cast against the same, and the result as thus certified shall be filed with the city clerk and published in one or more of the daily newspapers of said city. If a majority of the votes cast upon said proposition be in favor of the same the board of education of said city shall then and thereafter be authorized to require the bonds in the first section of this act described issued for the purposes therein mentioned, but not otherwise.

§ 6. This act shall take effect immediately.

Chap. 277.

AN ACT to amend chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class," relative to official papers.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-nine of chapter one hundred and eighty-two of the laws of eighteen hundred and ninety-eight, entitled "An act for the government of cities of the second class" as amended by chapter five hundred and eighty-one of the laws of eighteen hundred and ninety-nine and chapter one hundred and eighty-two of the laws of nineteen hundred and three, is hereby amended to read as follows:

§ 29. At the first meeting of the common council after the election of its members, it shall designate not more than two newspapers published in the city to be the official paper or papers of the city. The common council may, by two-thirds vote of all its members, determine to designate but one official paper, in which case it shall designate a daily newspaper, and the paper receiving the highest number of votes shall be the official paper for two years and until a successor is designated. Unless the common council shall so determine to designate but one official paper it shall designate two official papers, of opposite political faith, and of which at least one shall be a daily newspaper and each member shall be entitled to vote for one of the papers, and the two papers receiving the highest number of votes shall be the official papers for two years and until a successor or successors shall be designated. Such official paper or papers shall publish such matters and in such form as shall be prescribed by statute or otherwise by general ordinance of the common council. In case an official paper shall refuse or fail to act or perform as such, the common council may, in its discretion, as herein before provided, designate a successor. All bills and accounts for publication in official newspapers, and all city printing and advertising shall be a city charge, and shall be paid by the treasurer upon the audit of the comptroller. The common council may, by general

ordinance, prescribe the form in which the proceedings and reports of the city officers, boards and departments shall be published, and the printing of the same shall be performed under contract awarded as in the case of other city contracts.

§ 2. This act shall take effect immediately.

Chap. 278.

AN ACT to amend the village law, relating to the establishment of sewer systems.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and sixty of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," is hereby amended to read as follows:

§ 260. **Establishment of sewer system.**—The board of sewer commissioners of a village may establish, extend and maintain a sewer system therein. Before taking any proceedings for the construction of any sewer, the board, at the expense of the village, shall, unless such map and plan have already been officially approved by the state commissioner of health and copies filed in the state department of health and in the office of the village clerk, cause a map and plan of a permanent sewer system for such village to be made, with specifications of dimensions, connections and outlets or sewage disposal works. It may also include any existing sewer in the village, which on examination by the village engineer shall be found feasible and proper to incorporate or include in the proposed system. Such map and plan shall be comprehensive and shall cover all portions of the village, but the village may construct the whole of the said system or may temporarily omit any portions thereof until such portions may be necessary, subject to the approval of such omission by the state commissioner of health as hereinafter provided. Such map and plan shall be submitted to the state commissioner of health for his approval, and if approved shall be filed in his office. A copy thereof shall also be filed in the office of the village clerk.

The map and plan may be amended, with the approval of the state commissioner of health, and when so amended and approved shall be filed in the same offices as the original. No work of any kind shall be done on or for the construction, extension, reconstruction, removal or modification of any system of sewers or of any sewer thereof until a map and plan covering the entire system shall first have been duly approved and filed as above provided, and in the execution of the construction, extension, reconstruction, removal or modification of any system of sewers or of any sewer thereof no deviations from the plans as finally approved and filed shall be made until plans or descriptions adequately showing such deviations are first approved and filed as above provided. Whenever the board of sewer commissioners of the village shall deem it desirable to the interests of the village that a portion of the permanent general system of sewers and sewage disposal thereof may be temporarily omitted or deferred, it shall certify that fact in writing to the state commissioner of health, designating by a map or otherwise the portions of the system to be omitted, or the portion not to be omitted, and on receipt of the same the state commissioner of health may approve of such temporary omission and shall certify his determination to the board of sewer commissioners of the village.

§ 2. This act shall take effect immediately.

Chap. 279.

AN ACT to amend chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, entitled "An act to incorporate the city of New Rochelle," in relation to the official bonds of city officers.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-one of article three of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, entitled "An act to incorporate the city of New Rochelle," is hereby amended to read as follows:

§ 31. Official bonds of city officers.—Each city clerk, constable, city engineer, superintendent of streets, commissioner of charities

and police justice, shall, before he enters upon the duties of his office, execute and file an official bond in accordance with section sixteen of the statutory construction law and sections eleven, twelve and thirteen of the public officers' law, and for omission so to do shall be subject to the penalties and liabilities prescribed in section forty-two of the penal code, and sections thirteen, fifteen and twenty of the public officers' law; except as herein otherwise provided, the penal sum named in any such bond, or the sum specified in any such undertaking as the maximum amount of liability thereon, shall be fixed by the common council. The expenses of procuring official bonds by city officers, whenever the same are required to be given by this act, shall be paid by the city of New Rochelle upon presentation of claims for the same, and after such claims shall have been audited and approved in the manner provided for claims and accounts against the city.

§ 2. This act shall apply to the expense of such official bonds for the year nineteen hundred and six and the common council is authorized to reimburse any officers who have already paid for their bonds for said year.

§ 3. This act shall take effect immediately.

Chap. 280.

AN ACT to amend the charter of the city of New Rochelle in relation to the general fund.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision ten of section fifty-two of article four of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine is hereby amended so as to read as follows:

10. For defraying the general and contingent expenses of the city, to provide necessary books, blanks, stationery and supplies for the several departments and commissions, not otherwise provided for, a sum not to exceed one-eighth of one per centum of the assessed valuation of the property within the city, as shown

by the assessment-roll of the preceding year, to be designated the general fund.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 281.

AN ACT to amend chapter three hundred and forty-seven of the laws of eighteen hundred and ninety, entitled "An act to provide for the payment of the cost and expenses of the construction of a trunk sewer on the east side of the Genesee river in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessments."

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and forty-seven of the laws of eighteen hundred and ninety, entitled "An act to provide for the payment of the cost and expenses of the construction of a trunk sewer on the east side of the Genesee river in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessments," is hereby amended by adding thereto a new section, to be numbered section five, and to read as follows:

§ 5. The common council of the city of Rochester is hereby authorized, from time to time, to cause to be transferred from the funds raised by assessment for the cost and expense of the construction of the east side sewer, pursuant to an ordinance of the common council adopted on the ninth day of June, nineteen hundred and three, such sum or sums of money as it shall deem necessary, not amounting in the aggregate to more than fifty thousand dollars,—which sum or sums when so transferred shall be placed to the credit of the east side trunk sewer construction fund, and shall be used to pay the costs and expenses heretofore incurred and remaining unpaid, or hereafter incurred in constructing or reconstructing said east side trunk sewer, additions thereto, overflows from the same; in settling judgments and claims for damages

caused by said sewer, additions or overflows; and in the purchase of lands, rights and easements necessary for the construction or maintenance of said sewer, additions and overflows; and to pay the costs and expenses hereafter incurred for such other purposes connected with said sewer, additions thereto and overflows therefrom, as the commissioner of public works of the city of Rochester may deem desirable.

§ 2. This act shall take effect immediately.

Chap. 282.

AN ACT to amend chapter nine hundred and five, of the laws of eighteen hundred and ninety-six, entitled "An act to incorporate the city of Watervliet," relative to local assessments.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-five, title four, chapter nine hundred and five, laws of eighteen hundred and ninety-six, entitled "An act to incorporate the city of Watervliet," is hereby amended to read as follows:

§ 25. Collection of local assessment.—If no appeal be taken from the first assessment-roll filed with the city clerk, or if an appeal be taken therefrom and such assessment be affirmed, the common council shall cause the proper warrant to be attached thereto and to be delivered to the chamberlain. If an appeal be taken from such first assessment and the same be reversed, the common council shall cause the proper warrant to be attached to the second assessment-roll, filed by such commissioners, and to be delivered to the chamberlain. Whenever the assessment-roll for any local improvement shall be left with the chamberlain he shall receive the taxes thereon for the first ten days without fees, for ten days thereafter at one per centum fee, for the next twenty days at three per centum and for the succeeding twenty days at five per centum fee. If any such taxes remain unpaid at the expiration of the sixty days herein mentioned, the said chamberlain shall proceed to collect the same, except as herein otherwise provided, with the fees thereon and the interest thereon at the rate of twelve per centum per annum, in the same manner

as directed in this act for the collection of county or city taxes by distress and sale. Provided the amount of any assessment against any person or corporation for any local improvement, except for the construction or repair of sidewalks, curbing or gutters, exceeds thirty dollars and is not paid within sixty days after the assessment-roll therefor has been delivered to the chamberlain, it shall be divided into three portions, one portion of which shall become due and payable at the end of each successive year from the date the said assessment-roll was delivered to the chamberlain until the assessment is paid in full with interest on the unpaid portion thereof at the rate of six per centum per annum from the time the assessment-roll was delivered to the chamberlain; but any subsequent annual payment may be paid plus the accrued interest on any day when any prior annual instalment is due. If any such instalment remains unpaid at the expiration of ten days after the same becomes due as hereinbefore provided, all instalments subsequently due shall immediately become due and the chamberlain shall proceed to collect the whole assessment, less any portion previously paid, with the interest and fees thereon, as herein provided, in the same manner as directed in the charter of the city of Watervliet for the collection of county or city taxes, by distress and sale. Pending the levy and collection of the instalment payments, as herein provided, the common council of the city of Watervliet is hereby authorized and empowered to issue certificates of indebtedness or assessment bonds of said city, not to exceed the amount to be levied against the abutting lots or tracts of land bounded on the streets improved, as hereinbefore provided, and against the railway companies occupying such streets. Such certificates or bonds to draw interest not to exceed five per centum per annum, and to be signed by the mayor and city clerk and sold at not less than par. The proceeds thereof shall be used only for the payment of the proportionate share of the cost of improvements assessed to property owners, as hereinbefore provided. Such certificates of indebtedness or assessment bonds shall be a lien upon all the taxable estate both real and personal within said city, and the common council is hereby authorized to reissue such certificates of indebtedness or assessment bonds at maturity for the payment of the principal and interest thereon, or either, as the case may be, until an amount has been collected from the property assessed therefor, sufficient to pay the same.

§ 2. This act shall take effect immediately.

Chap. 283.

AN ACT to amend chapter six hundred and fourteen of the laws of eighteen hundred and eighty-seven, in relation to police pension fund of the city of Rochester.

Became a law, April 12, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section three of chapter six hundred and fourteen of the laws of eighteen hundred and eighty-seven, entitled "An act to establish a pension fund for the city of Rochester," as amended by chapter five hundred and forty of the laws of nineteen hundred and five, is hereby amended to read as follows:

2. To any child or children under eighteen years of age of such member killed or dying as aforesaid, or pensioner as aforesaid, but leaving no widow or if a widow, then after her death, to such child or children being yet under eighteen years of age a sum not exceeding two hundred and fifty dollars per annum. If such decedent leave no widow, child or children, but a parent or parents wholly dependent upon him for support, such parents or the survivor of them shall be entitled to receive the sum of two hundred and fifty dollars per annum; if the decedent leave no widow, child or dependent parent, but brothers and sisters wholly dependent upon him, under sixteen years of age, said brothers and sisters shall be entitled to receive a pension of two hundred and fifty dollars per annum, to be apportioned among such of them as are under sixteen years of age, until they attain the age of sixteen years.

§ 2. This act shall take effect immediately.

Chap. 284.

AN ACT to amend the insanity law, relative to the cost of buildings for the care and treatment of the acute insane.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifteen of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the insane constituting chapter twenty-eight of the general laws," as amended by chapter three hundred and eighty of the laws of nineteen hundred, chapter twenty-six of the laws of nineteen hundred and two and chapter four hundred and ninety of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 15. Commission to provide for the prospective wants of the insane.—The commission shall provide sufficient accommodations for the prospective wants of the poor and indigent insane of the state. To prevent overcrowding in the state hospitals, it shall recommend to the legislature the establishment of other state hospitals, in such parts of the state as in its judgment will best meet the requirements of such insane. It shall also furnish to the legislature in each year, an estimate of the probable number of patients who will become inmates of the respective state hospitals during the year beginning October first next ensuing, and the cost of all the additional buildings and equipments, if any, which will be required to carry out the provisions of this chapter relating to the care, custody and treatment of the poor and indigent insane of the state. No money shall be expended for the erection of additional buildings, or for unusual repairs or improvements of state hospitals, except upon plans and specifications to be approved by the commission and the governor. The cost of such buildings as are to be occupied by patients erected on the grounds of existing state hospitals, including the necessary equipment for heating, lighting, ventilating, fixtures and furniture, shall in no case exceed the proportion of five hundred and fifty dollars per capita for the patients to be accommodated therein; except that for buildings specially designed and equipped for the active medical and general care and treatment of insane patients of the acute and curable

class, the cost shall not exceed the proportion of one thousand dollars per capita for the patients to be accommodated therein. No municipality of the state shall have the power to modify or change plans or specifications for the erection, repair or improvement of state hospital buildings or the plumbing or sewerage connected therewith. The commission may secure a blanket policy of insurance covering any or all of the buildings, property or fixtures of the state hospitals.

§ 2. This act shall take effect immediately.

Chap. 285.

AN ACT to define, limit and declare the first judicial district of the state of New York.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The first judicial district of the state shall consist and is hereby made and declared to consist of the county of New York as at present constituted, including therein, as a part thereof, all the territory, which was or purported to be annexed to the county of New York from the county of Westchester by an act of the legislature passed June six, eighteen hundred and ninety-five, known as chapter nine hundred and thirty-four of the laws of eighteen hundred and ninety-five, and entitled "An act to annex to the city and county of New York territory lying within the incorporated villages of Wakefield, Eastchester and Williamsbridge, the town of Westchester and portions of the towns of Eastchester and Pelham."

§ 2. This act shall take effect immediately.

Chap. 286.

AN ACT to amend the penal code in relation to the misconduct of officers and employees of corporations.

Became a law, April 19, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section six hundred and eleven of the penal code is hereby amended to read as follows:

2. Makes or concurs in making any false entry, or concurs in omitting to make any material entry in its books or accounts; or,

§ 2. Subdivision three of section six hundred and eleven of the penal code is hereby amended to read as follows:

3. Knowingly (1), concurs in making or publishing any written report, exhibit or statement of its affairs or pecuniary condition containing any material statement which is false, or (2), omits or concurs in omitting any statement required by law to be contained therein; or,

§ 3. This act shall take effect on the first day of September, nineteen hundred and six.

Chap. 287.

AN ACT authorizing and empowering the commissioners of the land office to grant to Harrison B. Washburn and Isaac T. Washburn, all the interest of this state in and to certain lands formerly under the waters of the Hudson river, but since filled in, and to adjoining lands now under the waters of the Hudson river in and adjoining the village of Ossining, in the county of Westchester.

Became a law, April 19, 1906, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners of the land office are hereby authorized and empowered to grant without further advertisement to Harrison B. Washburn and Isaac T. Washburn by a grant for restricted beneficial enjoyment, on such terms and for such con-

sideration as to them may seem proper, all the interest of this state in and to the following described lands which were formerly under the waters of the Hudson river, but have since been filled in, and to lands thereto adjoining now under the waters of the Hudson river, situate in and adjoining the village of Ossining in the county of Westchester, bounded and described as follows: Beginning at the northeast corner of the lands formerly of E. G. Blakslee and company and on the present westerly line of the New York Central and Hudson river railroad company at a point seventy feet from a point in range with the northerly line of the right of way leading from Water street; thence along the said westerly line of the New York Central and Hudson river railroad company seventy feet to the point in range with the northerly line of the said right of way leading from Water street, and lands of Charles G. Washburn; thence north eighty-five degrees and thirty minutes west seven hundred and sixteen feet along the lands of the said Charles G. Washburn and outshore to a point in the Hudson river, forming the northwest corner of the herein described lands; thence south seven degrees and thirty minutes west one hundred and sixty-eight feet to a point in the Hudson river, being the southwest corner of the herein described lands; thence north eighty-six degrees and twenty-nine minutes east seven hundred and thirty-eight feet to and along the northerly line of the said lands formerly of E. G. Blakslee and company to the westerly line of the New York Central and Hudson river railroad company, the point or place of beginning, containing all the lands within the said bounds.

§ 2. All the proceedings heretofore had and taken, in the application of Harrison B. Washburn and Isaac T. Washburn, for a grant of lands under the waters of the Hudson river at Ossining in the county of Westchester, now pending before the commissioners of the land office, shall have the same validity as if had and taken after this act takes effect.

§ 3. This act shall take effect immediately.

Chap. 288.

AN ACT to revise the charter of the city of Hornellsville and to change the name thereof.

Became a law, April 20, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

BOUNDARIES AND CIVIL DIVISIONS.

Section 1. All that district of country, in the county of Steuben, included within the following mentioned and described line, shall hereafter form and constitute the city of Hornell, namely: Commencing at the intersection of the present north line of the present city of Hornellsville with the line between great lots numbers five and six; thence north along said great lot line fourteen chains and seventy-five links; thence north seventy-two degrees east fifteen chains, to the north side of road leading to Bald Hill; thence north eighty-four degrees fifteen minutes east thirty chains, to a marked basswood tree, (said line crossing Erie railway track three chains and fifty-two links south of south end of the former number two bridge of said railway); thence along the southwesterly bank of Canisteo river forty-four chains and eighty-eight links, to the line between great lots seven and eight; thence southerly and southeasterly along west bank of Canisteo river to a stake (said stake being south thirteen degrees west and seventy-two feet distant from a marked elm tree on east bank of said river, and also north seventeen degrees thirty minutes west and twenty-three and one-half feet distant from a marked oak tree on west bank of said river); thence south eighty-four degrees east along the line between the lands formerly owned by Martin Adsit and Martin Curry, a distance of sixteen chains and sixty-nine links, to a stake ten rods east of the east line of Lincoln street (said stake being south twenty-three degrees west and twenty-three feet distant from a marked ash tree, and also north fifty degrees west and thirty-five feet distant from a marked ash tree, and being on lands formerly owned by Martin Adsit); thence south nine degrees fifteen minutes east a distance of fifty-six chains and twenty-

one links to the south line of lands formerly owned by Dugald Cameron, deceased; thence easterly along said south line of Cameron lands to the line between great lots numbers nine and ten; thence along said line between said great lots numbers nine and ten, eighty-three chains and forty-three links, to a point in range with the present most southern boundary of said city; thence west along said southern boundary of said city to the line between great lots numbers six and seven; thence north along line between said great lots six and seven, eighty-three chains; thence west along the present bounds of said city thirty chains and seventy-five links, to the line between great lots five and six; thence north along line between said great lots five and six, forty-three chains and forty links, to the place of beginning.

§ 2. The citizens of this state who may from time to time reside in said city shall be a municipal corporation in perpetuity, under the name of the "City of Hornell." The said corporation may take, purchase, hold and convey real and personal property. It may take by gift, grant, bequest and devise, and hold real and personal estate in trust for any purpose of education, art, health, charity or amusement; for parks, gardens and grounds for the burial of the dead, or other public use, and for the erection of statues, monuments and public buildings, upon such terms as may be prescribed by the grantor or donor, and accepted by said corporation; and it may provide for the proper execution of such trusts. It may sue and be sued, complain and defend in any court of law or equity; it may adopt and use a common seal, and alter the same at pleasure; it may do everything necessary to carry into effect the powers granted to it; and all property, real and personal, rights, powers, privileges and contracts now possessed, owned, occupied, exercised or enjoyed by, as well as all the duties, contracts, obligations and liabilities imposed upon, said city of Hornellsville, are hereby transferred to, vested in and imposed upon said city of Hornell.

§ 3. The said city of Hornell is hereby divided into six wards, as follows: The first ward shall include all of said city north of Canacadea creek, and all of said city east of the Canisteo river and north of the south bounds of lands formerly owned by Dugald Cameron; the second ward, all of said city lying between the Canacadea creek and Main street and the Canisteo river; the third ward, all of said city lying between Main street and the north-easterly line of the lands of the Erie railway company and east of Canisteo street and west of the Canisteo river and north of River

street; the fourth ward, all of said city lying south of Main street and Canacadea creek, west of Canisteeo street and north of Crosby creek road; the fifth ward, all of said city lying between the northeasterly line of the lands of the Erie railway company and Canisteeo street and south of Crosby creek road; the sixth ward, all of said city lying east of the Canisteeo river and the northeasterly line of the lands of the Erie railway company and south of River street between the Canisteeo river and Erie railway.

§ 4. The wards hereinbefore described shall, until otherwise arranged as hereinafter provided, constitute the election districts for holding all elections to be held in said city.

TITLE II.

OFFICERS, THEIR ELECTION AND QUALIFICATION.

Section 10. The mayor, recorder, chamberlain, aldermen, supervisors, city clerk, city attorney, justices of the peace, constables, game constable and sealer of weights and measures, of the city of Hornellsville, in office when this act takes effect, shall continue in office and be the like officer of the city of Hornell, so far as may be, or is not otherwise provided herein; but the term of office of said officers which would expire in March of any year shall expire on the thirty-first day of December preceding that month, and their successors shall be elected at the last election to be held prior to the said month of December.

§ 11. The elective officers of said city shall hereafter be a mayor, chamberlain, recorder, three justices of the peace, three assessors, overseer of the poor, one sealer of weights and measures, four constables and one game constable, all of whom shall be elected by the city at large; three supervisors, one of whom shall be elected from the first and second wards hereinbefore described and one of whom shall be elected from the third and sixth wards hereinbefore described, and the other of whom shall be elected from the fourth and fifth wards hereinbefore described; and two aldermen to be elected in each ward.

§ 12. The appointive city officers shall be a city clerk, city attorney, four commissioners of public safety, four commissioners of public works and six commissioners of health. The mayor shall nominate and by and with the consent of the common council, appoint all appointive officers in the manner hereinafter provided in this act except that the common council shall appoint the city attorney and city clerk.

§ 13. Except as otherwise provided by this act, the term of office of the mayor, aldermen, recorder, chamberlain, city attorney, city clerk, overseer of the poor, supervisors, constables, game constable and sealer of weights and measures shall be two years; of the assessors three years; of the justices of the peace four years; of the commissioners of public works four years; of the commissioners of public safety four years; of other appointive officers during the pleasure of the appointing power, unless the term of such officers is or shall be fixed by law or by the provisions of this act. All officers shall hold office until their successors are elected or appointed, qualified and have entered upon the discharge of their duties, except as otherwise provided by this act or by a general law. The term of office of two of the commissioners of public safety and of public works, first appointed, shall terminate on the thirty-first day of December, nineteen hundred and seven; and of the other two on the thirty-first day of December, nineteen hundred and nine; and not more than two of said commissioners of public safety or public works shall, when appointed, or when successors are appointed, or when a vacancy is filled, belong to the same political party. A vacancy in any elective office may be filled by the common council by appointment until the next election, when the office shall be filled by election for the unexpired term. A vacancy in an appointive office shall be filled for the unexpired term in the same manner as was the original appointment.

§ 14. The provisions of chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, known as the election law, and the acts amendatory thereof, shall apply to and govern all elections in said city, except that the inspectors of election shall return to the city clerk the results of all elections of city officers.

§ 15. Every inhabitant of said city who shall, at the time and place of offering his vote, be qualified to vote for member of assembly, shall then and there be entitled to vote for all officers to be elected by the city at large, and for ward officers to be elected in his ward in said city. Every such inhabitant of either the first or second ward in said city shall also be entitled to vote in the ward in which he resides for supervisor of said wards, and every such inhabitant of either the third or sixth ward in said city shall also be entitled to vote in the ward in which he resides for a supervisor of said wards, and every such inhabitant of either

the fourth or fifth ward in said city shall also be entitled to vote in the ward in which he resides for a supervisor of said wards.

§ 16. The election of elective officers under this act shall be held at the time of the general state elections and in conjunction therewith, and the term of all officers elected at such elections shall commence on the first day of January thereafter. The common council shall give notice of every election under this act by publishing in the official paper the notice required by law at least once in each of two weeks immediately preceding the time of holding the same.

§ 17. The common council, so far as relates to the election of city officers, shall be the board of canvassers of election returns, and the city clerk, if present shall act as secretary of the board; and if he be not present, then some person shall be appointed by the board to act as secretary thereof. The board shall ascertain and certify the results of the election in the manner and by the procedure provided by the general election law governing county boards of canvassers. The common council shall convene as such boards of canvassers on the Monday next succeeding the election, at eight o'clock in the afternoon, at its usual place of meeting, in each year, and the statements filed by the inspectors with the city clerk shall be produced by him. Said common council shall forthwith examine said statements, declare and make a certificate of the result of such election as shown by said statements and file the same immediately with the city clerk. The city clerk within twenty-four hours after the certificate mentioned in this or in the last section shall have been filed with him, shall notify in writing, either personally or by mail, every person so certified to have been elected of his election. Every person elected or appointed to office under this act shall, before performing any of his duties, take the oath of office prescribed by the constitution of this state and give the securities hereinafter specified. All such oaths, except those of the mayor, recorder and justices of the peace, which shall be filed with the clerk of Steuben county, shall be filed with the city clerk. Except as it may be by law or this act otherwise provided, if any such person shall not at or prior to the commencement of the term for which he shall have been elected or appointed, take and file such oath of office and give the security required of him by the provisions of this act or lawfully required of him by the common council, the common council may treat such omission as a refusal to serve and declare vacant the office to which he was elected or appointed, in which case the vacancy shall be filled as herein provided. Nothing in this section contained shall

be construed to require the chamberlain to execute the bond mentioned in section fifty-seven of title four of this act prior to the time therein specified. At its first regular meeting in January after each annual election, the common council shall fill for a full term any office by appointment in case of a tie at such election. The common council shall make and file with the clerk a certificate of every appointment to office and the clerk shall notify each person so certified to have been appointed, of his appointment, in the manner and within the time specified in this section for notifying persons elected to office.

§ 18. The mayor shall receive for his services a salary of two hundred dollars per annum; and each alderman shall receive for his services a salary of forty-eight dollars per annum, and no other fee or reward.

§ 19. No two of the assessors shall be residents of the same ward. The compensation of each assessor shall be three dollars per day while actually engaged in the duties of his office, but the total amount of his compensation shall not exceed one hundred and fifty dollars in any year.

§ 20. No person shall be elected or appointed to any city office unless he be a resident elector of said city, nor to any ward office unless he be a resident elector of the ward for which he is elected or appointed, and when any city officer shall cease to be a resident of said city, or when any ward officer shall cease to be a resident of the ward for which he was elected or appointed, his office shall thereby become vacant; and no person shall be appointed a commissioner of public safety or of public works unless he shall be assessed for real or personal property on the last assessment roll of the city of Hornell, or of the city of Hornellsville, until an assessment roll has been made for the city of Hornell.

§ 21. The mayor of said city is removable by the governor, by first giving him a copy of charges against him, and an opportunity to be heard in his defense. All pertinent provisions of law in respect to a removal from office of sheriffs, shall apply to such removal of a mayor. The common council may remove any other city or ward officer for misconduct or neglect of duty by concurring vote of not less than two-thirds of all the members of the common council in office; but no officer shall be removed by it without reasonable notice in writing of the charges against him and an opportunity to be heard in his defense.

§ 22. The resignation of any city or ward officer shall be made in writing to the common council or appointing power and no such resignation shall take effect until two weeks thereafter un-

less said common council or appointing power shall have accepted the same.

§ 23. Except as may be by law or by this act otherwise provided, all officers of said city, except aldermen and city attorney, shall severally execute and file with the city clerk a bond to said city, in such form and penalty and with such sureties as the common council shall direct and approve, conditioned that they shall faithfully and honestly discharge the duties of their respective offices and account for all moneys which shall come into their hands as such officers, respectively. The common council shall have power to call before it any person offered as surety in any bond required by this act, or any other person, and examine him or them on oath as to the qualifications of such proposed surety; and said common council shall upon complaint of any member thereof that any such bond has become impaired, or its security lessened, forthwith investigate the facts in relation thereto; and it may, in its discretion, require the officer whose bond is thus brought into question to execute and file another bond with such time as it may direct, but neither the penalty of such a bond nor the value of its security shall be less than that of the original bond.

§ 24. If any person whose term of office shall have expired or who shall have been removed from office, or shall have resigned his office, shall not, within ten days after notice by the common council so to do, deliver to his successor in office or to the person elected or appointed to perform corresponding duties under this act, all moneys, property, books, papers and effects in his possession or under his control belonging to the city or appertaining to the office so formerly held by him, he shall forfeit and pay to said city the sum of one hundred dollars, besides all damages caused by such neglect or refusal and the costs of suit, but such payment of penalty shall not affect his liability for such money or property, or any bond or bonds given by him to the city.

TITLE III.

THE COMMON COUNCIL.

Section 30. The common council shall be composed of the aldermen. The mayor, when present, shall preside at all meetings of the common council and shall be counted as a member thereof solely to constitute a quorum, but he shall have no vote except in case of a tie.

§ 31. No member of the common council shall hold any other city or ward office. No member of the common council or other city officer, elected or appointed, shall be in any manner, directly or indirectly, interested in any contract in which the city shall be interested as a party or otherwise; and all such contracts in which any officer may be or become interested shall thereby and thereupon become void.

§ 32. Each alderman present at any meeting of the common council shall have a vote on every question brought before the common council for its consideration except as herein otherwise provided; and no alderman shall be excused from voting on any such question, except by the concurring vote of two-thirds of all the members present. No person whose election as alderman shall be contested shall be entitled to vote on any question connected with such contest.

§ 33. All meetings of the common council shall be public, except when, in the judgment of the majority of those members thereof actually present and voting, the same ought to be private. Minutes of all proceedings of the common council shall be taken and preserved by the clerk in a book to be provided for that purpose by the city, and such minutes shall be accessible at all times to any elector of said city.

§ 34. A quorum shall consist of a majority of the common council. No tax or assessment shall be ordered nor any appointment to office made, except by concurring vote of a majority of all members of the common council in office; and no tax levy, assessment, order, resolution or ordinance shall take effect until after the same shall have been approved in writing by the mayor, except as herein otherwise provided.

§ 35. The common council shall hold regular meetings at least once in each month; and the mayor, or in his absence, any three aldermen, may call a meeting by notice thereof in writing, to be served personally or by mail on all other members thereof.

§ 36. The common council shall determine the rules of its proceedings; be sole judge of the election and qualification of its members; have power to compel the attendance of absent members; and to prescribe the powers and duties of all officers appointed by it, subject to the provisions of this act.

§ 37. All accounts and claims against the city, other than those created by the board of public safety or the board of public works, arising either *ex contractu*, or *ex delicto*, and not exceeding five hundred dollars, including all accounts for claims and services rendered or moneys expended by any officer, servant and

employee of said city whose compensation is not otherwise provided by this act, which would be a valid claim against a town if rendered or expended by servants, employees or officers thereof, shall be itemized, verified and presented to the common council and the same shall be referred by it to a standing committee, consisting of one alderman from each ward, to be called a committee of audit. Said committee shall inquire into the justice of such accounts or claims, may send for and compel the attendance and production of persons, books and papers, and may examine the claimant and others on oath in relation thereto. Said committee shall report to the common council favorably or unfavorably, in whole or in part, all accounts and claims referred to it, and if unfavorably, give its reasons therefor; and the common council shall then pass upon the same as a board of auditors, and for that purpose shall possess the powers and be subject to the duties of town auditors. All claims against the city for damages for injuries to persons or to property claimed to have been caused or sustained by defects, want of repair or obstructions from snow or ice or other causes, in the highways, streets, sidewalks or crosswalks of the city, or because of the negligence of the city as to the highways, streets, sidewalks or crosswalks of the city, shall be presented to the mayor or common council within thirty days after the said injury is received or has occurred. Such writing shall describe the time, place and nature and extent of the injury as far as then practicable, verified by the oath of the claimant, to the effect that the same is true. The omission to present said claim as aforesaid within thirty days shall be a bar to any claim or action therefor against the city, and no action on any such claim shall be maintained against said city unless such action shall have been commenced within one year after the cause of the action accrued. No action shall be commenced against said city on any duly presented claim of any kind or nature until after the expiration of three months from the presentation thereof. At any time within the said three months, said claimant may be required to appear before the mayor of said city, and, on receiving a notice signed by the mayor requiring such appearance at a time specified therein, not less than three days distant, he shall so appear and submit to examination on oath concerning said claim; and when such appearance has been required, as herein specified, no action shall be commenced against said city until ten days shall have elapsed after examination shall have been had thereunder. No debt or liability or contracts shall be or become a valid charge against said city or corporation

unless the same shall have been created or contracted by authority of the common council, or board of public safety, or board of public works. The city shall not be liable for any injury caused by such highways, streets, alleys, sidewalks or crosswalks being cut of repair, or dangerous from snow, ice or unlawful obstructions, unless actual notice of the unsafe and dangerous condition thereof has been given to the mayor or the city clerk of said city a reasonable time before the happening of such injury.

§ 38. Any member of any committee of the common council shall have power to administer oaths or affirmations to all persons who appear or who are brought to testify in reference to any matter pending before such committee. The common council shall exercise all the powers conferred by this act, and except as otherwise provided by law or by this act, shall have the control and management of the property, real and personal, belonging to the corporation, and all finances thereof. In addition to such other powers as may be by law or this act conferred upon it, said common council shall have power:

1. To provide for the care, custody and preservation of the buildings, other than those used by the boards* of public safety and board of public works, property, books, records and papers belonging to the city; to prevent and provide for the punishment of any injury or trespass upon the same; to make all necessary repairs and improvements thereon and to cause the same to be insured when deemed to be necessary or advisable.

2. To prescribe and define such powers and duties of the officers of said city that are not inconsistent with or specified by this act, and which it shall deem the best interests of the city require.

3. To prohibit the gathering or assembling of persons upon the streets of said city, or congregating upon the corners of the streets or sidewalks thereof, and to authorize and require the police officers of said city to disperse all such gatherings, assemblages or congregations. Upon refusal of persons so gathered, assembled or congregated, to disperse when commanded so to do by the mayor or duly appointed police officer, said mayor or policeman may make summary arrest, without process, of all persons so refusing, and take them forthwith before the recorder of said city to be by him tried as disorderly persons and punished as such, upon conviction; and all such offenders are hereby declared to be disorderly persons.

* So in original.

4. To fix and change the salaries of all officers of the city not fixed by this act or otherwise provided by law; but every such salary shall not be increased or diminished during the continuance of such term of office; to see that they perform faithfully and correctly their several duties, and that proper measures are taken to punish neglect of duty on the part of any of them.

5. To audit all accounts and claims against the corporation, except as herein otherwise provided; to order the payment of such as shall be allowed and to make such rules and regulations in regard to the form and manner in which such account and claims shall be made and presented as it may deem necessary and proper; but, except as in this act otherwise provided, no such account or claim shall be audited or allowed unless verified by affidavit of the claimant to the effect that the same is just and true; that the services or moneys therein mentioned have been actually rendered or disbursed; that no payment has been made thereon; that no set-offs exist thereto except as are stated therein.

6. To call special meetings of the inhabitants of said city whenever, in the judgment of its members, public interest requires the same, and to carry into effect, all lawful resolutions adopted at any of said meetings, or at the annual election.

7. To examine the accounts of the chamberlain from time to time, prescribe the manner of paying out and accounting for moneys received by him belonging to the city, in all cases not provided for in this act.

8. To exercise exclusively within the city the powers vested in justices of the peace of towns by the second section of the first article of the eighth title of the twentieth chapter of the first part of the revised statutes, and subsequent amendments thereto and thereof, and to prescribe the sum to be paid for the permission or license therein mentioned.

9. To establish and regulate a public pound, subject to the provisions of this act, and to restrain, regulate and prevent cattle, horses, sheep, swine, dogs, geese and other animals and fowls running at large in said city, and to authorize the seizure, impounding and sale of the same for the penalty incurred by such running at large and the cost of keeping and proceedings; and to make regulations for taxing, muzzling and confining dogs, and for destroying such as may be found running at large contrary to any ordinance.

10. To prevent runners, hackmen, stage drivers and others from soliciting persons to travel or ride in any stage, hack, omnibus

or other conveyance, or upon any railroad, or to go to any hotel or otherwise, except under such regulations as it may prescribe.

11. To license, regulate and control all cartmen, hackmen, cabmen and draymen and all stages, omnibuses and other conveyances for the transportation of passengers for hire within the city and to fix rates of fare or compensation.

12. To prohibit, regulate and license billiard rooms, bowling alleys, skating rinks and all other places of amusement or entertainment from which an admission fee or income or revenue, direct or indirect, is received.

13. To prevent racing, immoderate driving and immoderate running of automobiles and to prevent or regulate coasting and regulate bicycle riding in the said city.

14. To regulate the burial of the dead and the management of all cemeteries within the city, subject to the existing provisions of law.

15. To regulate or prohibit the exhibition of any circus, caravan, theatre, opera, curiosities, tricks or legerdemain, and other shows and entertainments in said city; and to license the same for such time, upon payment of such fees, and under such regulations as it may prescribe.

16. To regulate or license auction stores and sales in said city, and hawking, peddling and sale in the streets thereof, and to regulate and license pawnbrokers.

17. To maintain gas, electric or other lights, lamp-posts and fixtures on the streets, lanes, parks and public places of said city, and to cause the same to be lighted at all proper hours throughout the year.

18. To prohibit, license or regulate the keeping, storing, use and sale of gunpowder, kerosene or other combustible or explosive substance or compound, and the conveyance and transportation of the same in and through any part of the city.

19. To prosecute in the corporate name of the city upon any contract or liability in which said city may be interested, and for all fines, penalties, costs and expenses imposed by this act, or by any ordinance or by-laws of the city, board or commission thereof, and enforce the collection thereof, except as herein otherwise provided.

20. To prohibit and make regulations for the prevention of every game, practice, amusement and act in the public streets and elsewhere in said city having a tendency to frighten teams or horses, to injure or annoy persons, or to endanger property.

21. To regulate the speed of locomotives, tenders, railroad and other cars and to prevent unnecessary and unreasonable obstructions of streets by the same in any part of said city, and to prevent obstruction of crosswalks by carts, wagons, sleighs, teams or otherwise.

22. To regulate the stringing or setting of telephone or telegraph or other wires and poles in said city and to require that such wires be placed in underground conduits whenever public safety or a due regard for public convenience requires it.

23. To regulate the planting of shade or ornamental trees along the streets and sidewalks of said city, and the trimming and removal of the same, and to prevent the injury or defacement of such trees, and of fences, posts, walls and buildings in said city.

24. To provide a council room or rooms for the common council, a court room for the recorder, offices for the clerk and chamberlain, rooms for other officers, and necessary fuel, light, stationery and supplies for their offices.

25. To prevent and regulate the ringing of bells, blowing of whistles and horns, crying of wares, and the making of any noise which may tend to disturb the peace of the city.

26. To prevent or regulate the sale and use of fire-crackers, rockets, squibs and other explosive compounds.

27. To prevent the discharge of firearms, rockets, fireworks, gunpowder and other explosives in or near the streets of the city, or in the vicinity of any building.

28. To examine and correct the city assessment rolls in the same manner as the board of supervisors may by law examine and correct the town assessment rolls of this county, and it shall possess all the powers in relation to such city, as to such assessment rolls and the levying of city taxes, that board of supervisors have by statute with respect to town assessment rolls and the levying of state and county taxes.

29. To provide for the defraying of the expenses of all elections in said city, and to raise by tax the amount required to pay the same; to create new election districts when necessary, and such districts and inspectors shall be governed by the provisions of this act and existing general laws applicable thereto.

30. To grant all licenses in said city and to prescribe the fees to be paid for the same. The common council may, by resolution, empower the mayor of said city to grant all or any licenses, which said council are by this act authorized to grant.

31. To contract for the printing in a daily newspaper, regularly

published in said city, of all proceedings of the common council, board of public works and of the board of public safety in so far as such proceedings relate to the financial transactions of the said board and all ordinances, rules, regulations, resolutions, by-laws and official notices of the common council, or any board or commission herein authorized, or of the board of health of said city, but before any contract is made, public notice shall be given of a time and place when and where bids will be received for such printing, by the city clerk, and the time and place when and where such bids will be opened, and a contract shall then be given to the lowest responsible bidder for one year. The newspaper in which such printing is to be done shall be known as the official newspaper of said city.

32. Except as in this act otherwise provided and for any or either of the purposes aforesaid or in executing any power conferred upon the common council or upon the city or any board or department thereof, by this act or otherwise, the said common council shall have full power to make, establish, publish, modify, amend or repeal ordinances, rules, regulations, by-laws and resolutions, except those of the board of health, board of public safety and board of public works, and fix the time for their taking effect, and to prescribe and enforce such penalties and fines as it may deem proper for their violation but in every such ordinance, rule, regulation, resolution and by-law, except such as relates to the health, safety or fire protection of the people of said city or of some portion thereof, shall before taking effect, be published at least once in the official newspaper before mentioned. Every ordinance, rule, regulation, resolution and by-law, together with his certificate of the time and manner of the publication thereof, shall be recorded by the clerk in a book or books to be provided by the city and kept for the purpose; and the said record or a copy thereof, certified under the corporate seal of said city by the clerk to be a true copy of such record, shall be presumptive evidence in all courts and places, and in all actions and proceedings, of the due passage of such ordinance, rule, regulation, by-law or resolution, and of its having been duly published as by this act required.

33. To license the keeping of dogs and fix the fees therefor, and to prescribe penalties for keeping or harboring dogs without a license, which may include the killing of dogs not licensed.

34. To establish and maintain city lock-ups, station houses or work houses, which may be used instead of the county jail for the confinement of offenders.

TITLE IV.

POWERS AND DUTIES OF OFFICERS.

Section 50. The mayor of the city of Hornell shall be the chief executive officer thereof. He shall take care that the laws of this state and the ordinances and by-laws passed by the common council be faithfully executed in said city; cause the arrest of all persons violating the same, and exercise constant supervision over the conduct of all subordinate municipal officers. It shall be his duty to communicate to the common council, within thirty days after entering upon the discharge of the duties of his office, a general statement of the affairs of the city, in relation to its finances, government and improvements, with such recommendations as he may deem proper, and to recommend to the common council, from time to time, such measures as he may deem necessary or expedient for it to adopt in order to expedite or carry into effect any order, resolution, ordinance or act which it shall have passed. Every order, resolution, ordinance and act of the common council which the mayor approves shall have his approval indorsed in writing on a transcript thereof, signed by him officially and be filed with the clerk. The transcript of every such order, resolution, ordinance and act of which he disapproves shall be returned by him to the common council or clerk, with his objections in writing thereon or attached thereto, which shall be filed with the clerk, and the common council shall, at its next regular meeting after such return, proceed to reconsider such order, resolution, ordinance or act, and if the same be passed by a concurring vote of two-thirds of all the members of the common council then in office, it shall have full power and effect. If any order, resolution, ordinance or act, a transcript of which shall be presented to the mayor, shall relate to separate and distinct matters, or to one or more items of appropriation or payment of money, the mayor may approve such order, resolution, ordinance or act, and sign the transcript thereof, as to one or more of said matters or items, specifying which, and disapprove as to the others. In such cases, he shall annex to the transcript a statement of the matters or items of which he does not approve, with his objections thereto, and such matters or items of which he does not approve, shall not take effect unless reconsidered and passed by the common council in the same manner as in the case of the mayor refusing to approve an entire order, resolution, ordinance or act. If any such transcript shall not be returned by the

mayor to the common council or clerk within five days after it shall have been presented to him, Sunday excepted, such order, resolution, ordinance or act shall be of like force and effect as if duly approved by him, unless within such time his term of office shall have expired, in which case the same shall have no force. The mayor shall have power to summarily revoke, for violation thereof, any license granted by the common council until its next regular meeting, when the common council shall investigate the matter and dispose of the same as they may deem fit. He shall have the power to hear and entertain any complaint against any appointed officer for misconduct or neglect of duty, and shall report the same to the next regular meeting of the common council, when such complaint shall be investigated by it and such action taken that shall be deemed just by said common council. He shall sign all appointments to office made by the common council, and all warrants ordered by it for the payment of money by the chamberlain; and, when authorized by the common council so to do, he shall execute, in behalf of the city, all deeds, contracts and other papers to be executed as the act of the city. He shall have power within said city to administer oaths and take affidavits, and on filing with the clerk of Steuben county a certificate under the seal of the city, signed by the clerk, of his election and of the filing of his oath of office, to take the proof and acknowledgment of deeds and other instruments therein, and may receive therefor the fees that are allowed by law to justices of the peace for like services, except from persons acting for or in the business of the city. In case he shall be unable to perform the duties of his office in consequence of sickness, absence from the city or other cause, or if there shall be a vacancy in his office, the common council shall select one of its members to preside at its meetings, and the presiding officer thus chosen shall be vested with all the powers and perform all the duties of the mayor until the mayor shall resume his office, or until the vacancy shall be supplied according to the provisions of this act, except that he shall not have the power to take proof or acknowledgment of deeds or other instruments. The mayor shall possess all the powers and authority conferred upon mayors of cities by the general statute of this state, except as herein otherwise provided.

§ 51. It shall be the duty of every alderman to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor; to cause the arrest of all persons violating the laws of this state, or the ordi-

nances, by-laws or police regulations of the city; to report to the mayor or common council all subordinate officers who are guilty of official misconduct or neglect of duty; to perform or assist in performing all such duties as are enjoined upon the aldermen of said city separately, or upon the common council thereof. The aldermen of each ward shall be fence viewers, and shall possess the powers and authority and receive the fees conferred upon or allowed by law to town fence viewers.

§ 52. The supervisors shall have the same powers and discharge the same duties as supervisors of towns, except as otherwise provided by this act, and shall be members of the board of supervisors of Steuben county. They shall receive the compensation allowed by law to the supervisors of towns. The first and second wards of said city shall be regarded as a town of Steuben county, for the purposes specified in title three, chapter ten, article second of the code of civil procedure, respecting the selecting, drawing and procuring the attendance of trial jurors; and the third and sixth wards of said city shall be regarded as a town of said county for the same purpose; and the fourth and fifth wards of said city shall be regarded as a town of said county for the same purpose. The assessors and clerk of said city and the supervisor elected from the first and second wards shall perform in said wards the duties of the supervisor, town clerk and assessors of a town as prescribed by said article; and the assessors and clerk of the said city and the supervisor elected from the third and sixth wards of said city shall perform like duties in the said last mentioned wards; and the assessors and clerk of said city and the supervisor elected from the fourth and fifth wards of said city shall perform like duties in said last mentioned wards, and a duplicate list of jurors selected by them shall be filed in the office of the clerk of said county.

§ 53. The assessors shall perform all the duties required of them by this act in relation to the assessment of the property in said city, as well for the purpose of levying taxes imposed by the board of supervisors of Steuben county as those imposed by the common council of the city of Hornell and to that end they shall possess all the powers and authority of town assessors.

§ 54. The city attorney shall be the official legal adviser of the mayor, the common council and the boards and other officers of the city. It shall also be the duty of the city attorney to prosecute and defend all actions and proceedings by and against the city; to perform such other professional services relating to the city

as the mayor or common council, or the board of public safety and board of public works and board of health may direct and such other duties as provided by this act. He shall be of the degree of counselor at law. He shall receive for his services a salary of seven hundred and fifty dollars per annum, payable monthly, and no other fee or reward except necessary expenses and disbursements incurred by him in behalf of the city under directions of the common council, or boards of public safety or public works or board of health. All costs in litigated cases wherein the city is successful shall belong to the city.

§ 55. The city clerk shall have custody of the seal, records, books and papers of the city, except as otherwise provided by this act; he shall attend all its meetings and act as the clerk of the common council and he shall record all by-laws, ordinances, rules, regulations, resolutions and proceedings of the common council, and the proceedings at elections and meetings of the inhabitants of said city. He shall deliver to the mayor a transcript of all by-laws, ordinances, acts, rules and resolutions of the common council. He shall under the direction of the common council, correct all clerical errors in the assessment rolls of said city relating to the description or valuation of property. The books and papers in his office shall be produced on reasonable demand for the inspection of any elector of said city; and, upon like demand and tender of fees at the rate of ten cents per folio therefor, he shall furnish a copy of any paper or record filed or kept with him as such clerk. His office is hereby declared a town clerk's office, for the purpose of depositing, filing and entering of record therein all books and papers required by law to be deposited, filed or entered of record in a town clerk's office, and he shall in and for said city, possess the powers, discharge the duties and receive the fees of a town clerk. He shall keep an accurate account of all moneys received by him belonging to the city and shall forthwith after the receipt by him of any such moneys pay the same to the chamberlain, take receipt therefor and file the same in his office, and have all receipts ready at all times for examination by the common council or any member thereof, and furnish to the common council each month a statement thereof. He shall countersign all licenses granted by the common council and all warrants drawn upon the chamberlain for payment of moneys belonging to the city, and shall keep accurate memoranda of all licenses and warrants in separate books to be provided by the city for that purpose, specifying in the

book of warrants the number of each warrant, the purpose for which, the number of voucher and date of resolution upon which it was issued, and in the books of licenses the date of each license, to whom granted, for what purpose, and the amount paid therefor. He shall also keep such other books as may be required by this act or by the common council. He shall, if required so to do by the common council, report in writing to each regular meeting thereof, the amount of all orders drawn on the several funds in the hands of the chamberlain since the last regular meeting of the common council. He shall perform such services as directed by the mayor or common council relating to the affairs of the city and the duties of the mayor. He shall record all ordinances in a separate book, to be provided by the city, and kept for that purpose, and the same shall be properly indexed and always accessible to the public, in his office. He shall keep in his office a book in which he shall keep copies of all franchises heretofore or hereafter granted by said city and all contracts entered into on behalf of the city by authority of the common council, or board of public safety, or board of public works, which book shall be called the franchise and contract book of said city. He shall keep in his office a book called a lien docket, in which he shall enter from time to time the names of all persons upon whose real estate there shall be any lien of unpaid taxes or assessments, and a brief description of the property affected thereby, together with the nature and amount of such lien, and the date when the same became a lien. He shall be when required the clerk of all boards, commissions and committees created, provided or continued under and by this act. He shall receive for his services a salary of eight hundred dollars per annum, payable monthly, and no other fee or reward. He shall receive for the use of the city of Hornell a fee of twelve cents each for filing chattel mortgages and the same fee for a renewal or renewals thereof, and also a fee of twelve cents for recording each and every license granted by the city, and pay the same to the chamberlain of said city.

§ 56. The chamberlain shall receive, keep safely and disburse all moneys belonging to the city. He shall also be the custodian of all securities, obligations and other evidences of debt belonging to the city. Suitable books shall be provided by the city for his use, in which he shall enter daily all his receipts and payments, in such manner as to exhibit the several amounts paid by him or to him under each class of purposes for which money shall be raised by tax in said city, with the names of each person by, to or

from whom and on what account the same shall have been paid. He shall deposit, in the name of the city of Hornell, all moneys of the said city received or collected by him daily, in the state and national banks in said city, and, as near as may be in equal amounts in each bank. But no deposit shall be made in any one bank until the bank has made and filed with the clerk of the city its bond with sufficient sureties, conditioned upon the payment of the money so deposited upon demand and until said bond has been approved by the common council. Said deposit shall be paid out by the banks only on the warrants of the common council, board of public safety and board of public works as provided by this act. The chamberlain shall designate by endorsement on each warrant the bank where the same is payable. It shall be his duty personally to collect and receive at his office all taxes and assessments laid upon said city, and to retain there and not elsewhere, possession of all warrants and assessment rolls which from time to time shall be delivered to him for collection. He shall, within ten days prior to the annual election in each year, and at such other times as the common council may require, present to it and file with the clerk a detailed written statement of all his receipts and payments of money belonging to the city since the date of his last annual report, and of the financial condition of the treasury, which statement shall contain the number of each warrant upon which the name of each person to or for whom a payment shall be made, by him and the purpose of each payment. The common council shall cause every such annual report to be published in the official newspaper. He shall account annually with the treasurer of Steuben county for all state and county taxes received by him, in the manner and within the time required by law of town collectors. He shall have his office in such convenient place in said city as the common council shall designate. He shall keep his office open and attend at the same on such days, and during such hours as the common council may from time to time direct. It shall be the duty of the common council, not more than ten days before the annual election in each year, to audit the chamberlain's accounts and to account with him for all moneys received by him during the preceding year belonging to the city. All fee and interest money received by the chamberlain of the city of Hornell on account of collections made by virtue of any tax warrant or otherwise, shall be paid out by him as directed by the common council by the provisions of this act, and he shall re-

ceive an annual salary of twelve hundred dollars in full for his services as city chamberlain under this act, to be paid him in quarterly instalments, without any other fee or reward. He shall collect and receive all school taxes levied and imposed by the board of education of school district number seven in the manner, as nearly as may be, and with the fees provided by law for the collection of school taxes; and the tax collected shall be paid by him to the treasurer of said board of education every five days, and the fees collected shall be paid to the city and credited to the board of public works fund. Said city chamberlain shall annually settle with and account to said board of education for all such money received by him during the preceding year, in the manner, as nearly as may be, provided by law for school tax collectors.

§ 57. The chamberlain shall, before entering upon the discharge of the duties of his office, execute to the city of Hornell, a bond in the penal sum of twenty-five thousand dollars or such further sum as the common council may direct, with a surety company as surety to be approved by resolution of the common council and the expenses and charges of procuring said surety company bond shall be a charge against the said city. Said bond shall be conditioned that the chamberlain shall honestly and faithfully discharge the duties of his office and account for and pay over all moneys which shall come into his hands as such chamberlain. No warrant for the collection or reception of any tax shall be delivered to said chamberlain until such bond shall have been executed, approved and filed as herein provided. Such chamberlain shall also, within ten days after he shall ascertain the amount of any school tax to be received by him, execute and deliver to the board of education of school district seven a bond, similar, as nearly as may be, to the bond required by law of collectors of school districts in this state. No warrant for the collection or reception of any school tax shall be delivered to said chamberlain until such bond shall have been executed and delivered by him as aforesaid, and approved by the board of education of said district.

§ 58. The overseer of the poor shall have and exercise within said city the same powers and discharge the same duties as overseers of the poor of the towns of Steuben county, and shall receive for his services the sum of sixty dollars per month to be paid monthly by the common council of said city, and no other fee or reward. He shall make an itemized report in writing to the

common council on the first day of each month of all assistance furnished by him in providing for the poor of said city, giving the names of all such persons, and the kind and nature of assistance rendered; the names of all persons sent to the Saint James Mercy Hospital, date of sending and date of their discharge, and all cases retained in the hospital beyond sixty days shall be reported as renewed certificates. For a failure to make such report each time he shall forfeit to the said city the sum of fifty dollars. He shall have power to administer an oath to and examine under oath any person applying to him for relief, and false swearing upon or at such examination shall be deemed wilful perjury.

§ 59. The sealer of weights and measures shall possess like powers and perform like duties as the sealer of weights and measures in the several towns of this state and charge and receive like fees therefor, and on application for that purpose by the common council, the county sealer of weights and measures shall furnish to him true copies of the standards in his office at the expense of the city. In addition to such powers and duties, the sealer of weights and measures shall once in each calendar year, when directed to so do by the common council, examine and test all weights and measures used by persons engaged in public trade in said city, and conspicuously mark and seal each weight, measure and apparatus that is found to be correct, and shall be paid by the city for such service not to exceed the sum of three hundred dollars. He shall likewise, whenever requested by any inhabitant of said city, and on receiving from such inhabitant his fees as prescribed by law therefor, test any weight, measure or apparatus used in public trade in said city and seal or reject such weight, measure or apparatus as they shall be found accurate or inaccurate. No person engaged in public trade in the city of Hornell shall use, or permit to be used, or employ any weight, measure or apparatus to determine the quantity, unless the same shall within one year previously have been tested and sealed by the city sealer of weights and measures, as herein provided. The common council of said city shall have power to make all necessary rules and ordinances to carry this section into effect and to prescribe and provide for the collection of penalties for its violation.

§ 60. No officer of said city shall retain for his own use any money or fees received by him as such officer; and except as otherwise provided for herein; when he shall have received any money or fees as such officer, he shall pay the same over to the city cham-

berlain, and it shall be placed to the credit of such fund as the common council shall direct or as herein provided. No officer elected or appointed shall receive any perquisite, emolument, fee or compensation, except salary or pay from the city or a department thereof, for any act done or service rendered by him in his official capacity, except as herein provided; nor shall he accept or receive any sum of money or other valuable thing, fee or commission upon or derive any advantage from the sale or hiring of any property to or by the city or any department thereof; nor shall any officer of said city, elected or appointed, be interested directly or indirectly, as an attorney or counsel, in the collection of any claim of any nature whatsoever against said city; nor shall he be interested, directly or indirectly, as attorney or counsel, in the prosecuting of any claim against said city or in the prosecution or trial of any action against said city, excepting, however all cases where he is the original owner of the claim. The violation of any provisions of this section shall be a misdemeanor.

TITLE V.

TAXES AND ASSESSMENTS.

Section 70. On the first day of June in each year, the chamberlain shall submit to the common council a statement of the principal and interest of the bonded municipal debt falling due within the ensuing year; the city attorney shall submit a statement of all judgments which have been recovered against the city and remain unpaid; the board of public safety and the board of public health shall submit an estimate of the amount required for their respective departments for the ensuing year from June first; the overseer of the poor shall submit an estimate of the amount required for public charity and the mayor shall submit an estimate of the amount required for the contingent and miscellaneous fund of the city and for water rent and lighting purposes, and also a statement of the amount necessary to be raised for officers' salaries for the ensuing year from said June first. The mayor shall also submit an estimate of the amount applicable to general purposes which will be received by the city during the ensuing year, from June first, from the recorder, mayor and chamberlain, from excise licenses and from all other sources except taxes. The board of public works shall, in like manner, submit an estimate of the amounts which will be required for its purposes during the ensuing year from said June first, in accordance with

and as provided in section one hundred and seventy-three of title ten of this act. The common council shall have power to reduce but not to increase any estimate made as aforesaid, except the mayor's estimate of the sum to be received by the city from all sources. And the common council shall determine the amount, if any, to be raised by tax as aforesaid for the Saint James Mercy Hospital and the public library as in this act provided. The original estimates or statements together with any revision thereof by the common council, and a statement of the amounts to be raised for the public library and said hospital shall be immediately published in the official paper at least once. The common council shall thereupon cause to be included in the next annual tax levy the amounts estimated to be required for the respective departments and funds after deducting from the estimates of the board of public works the amount which will be received by this city from all sources, in accordance with the mayor's estimate, that will be credited to the funds of that board, and after deducting from the estimate of each department or fund the amount of any unexpended balance remaining to the credit of such department or fund in the city treasury, or probable unexpended balance. All moneys received from excise licenses not otherwise specifically appropriated by law and all other revenues of the city applicable to general purposes received from the recorder, mayor or chamberlain or from other sources except taxes, shall be paid to the city chamberlain to the credit of the board of public works.

§ 71. The common council of the city of Hornell is hereby authorized and empowered to raise by tax in each year such sum as may be necessary for the purpose specified in this charter not to exceed the sum of forty-five thousand dollars. The common council shall also have the power to raise by tax as aforesaid the amount of all judgments recovered against the city and remaining unpaid, and the principal and interest of the bonded municipal debt other than the interest on water bonds falling due within the ensuing year and the amount appropriated to the sinking fund of the city of Hornell, as in this act provided, and in the year nineteen hundred and six such sum necessary to pay the expenses of the city and its boards to June first, nineteen hundred and six.

§ 72. The common council shall also have power to raise by tax in each year such further sum or sums not exceeding fifteen thousand dollars in the aggregate, as shall have been voted by a

majority of the taxpayers of said city entitled to vote and voting on a proposition to raise the same at an annual or special meeting called for that purpose, to be used for the purposes specified in this charter, the whole amount so raised as provided in this and the last section not to exceed the total amount of the estimates made as provided herein. Every resident of said city of the age of twenty-one years and upwards, whose name shall be upon the assessment roll as made by the assessors of said city or by the assessors of the city of Hornellsville next preceding said election, as owner, executor, administrator, guardian or agent, and upon whose property or upon whom, as the owner or possessor of property a tax shall have been assessed or imposed in and by said roll, and no other person, shall be entitled to vote at such meeting. The clerk shall give at least ten days' notice of any such election or meeting by publishing such notice in the official newspaper of said city, and by posting such notice in at least one public place in each ward or election district, which notice shall state distinctly the object or objects of such election or meeting. All provisions of this act in any way applicable to the annual election in said city, or to the ascertainment of the results thereof, shall be applicable, so far as may be, to said tax elections or meetings or to the ascertainment of the results thereof. The clerk shall furnish to the inspectors in each ward or election district, for use at such tax election or meeting, a certified copy of the names of all taxpayers appearing upon said last assessment roll. In the event the proposition to raise such additional sum at any such election shall be defeated, the common council shall revise and reduce the estimate, and may reduce the amount apportioned to any specific purpose as herein provided, in its discretion, so that the total amount of such estimates so revised shall not exceed the sum permitted to be raised.

§ 73. The common council is hereby prohibited from incurring any liability of said city beyond the amount authorized to be raised by the preceding sections of this title, except as may be in this act otherwise provided; and except as hereinafter provided, the common council shall not permit the transfer or loan of any moneys of one department or fund for the use of any other department or fund; and every member of said common council consenting to the incurring of such unauthorized liability, transfer or loan shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the common jail of the county

not exceeding three months, or both such fine and imprisonment, and shall be personally, individually liable for all loss, injury or damage caused or sustained by any such unauthorized act or acts, and said city of Hornell shall not become or be liable for or by reason of such unauthorized act or acts, but shall be free from all liability arising therefrom.

§ 74. The assessors of said city shall ascertain, in the manner provided by law, for the performance of like duties by town assessors, the names of all taxable inhabitants of said city, and also all taxable real and personal property therein. The common council shall cause to be prepared duplicate assessment rolls, in separate columns of each of which the assessors shall set down, according to the best information they can obtain, all such names, the quantity of land to be taxed to each person, the full value of such land, and the full value of all taxable personal property owned by such person, less the just debts owing by him. Said assessors shall also designate on such assessment rolls as farm lands and assess as such all lands occupied as such, and all agricultural lands, so called, and assess them as such, situated in whole or in part in the city and keep the same in a separate column of each of said assessment rolls. Such assessment rolls shall be completed on or before the fifteenth day of June of each year, and but one assessment need be made in each year. Except as modified by this act, the laws of this state shall govern the making of all such assessments and assessment rolls.

§ 75. Upon completing the assessment rolls, the assessors shall deliver the same to the city clerk, and shall forthwith thereafter cause notice of review and correction of assessments, and that the said roll has been left with the city clerk for examination, to be published in the official newspaper of said city for ten days, designating in such notice the common council chamber as the place of revising said assessments, and specifying two days for so revising and correcting such assessments. They shall attend at the place specified in such notice and hear and determine all applications of persons aggrieved by such assessment, in the manner in which the like duties are required by law to be performed by town assessors, and correct the assessment rolls, if necessary, in accordance with such determination. Immediately after the final completion and correction of such rolls, the assessors shall verify the same according to law, both of which shall be deemed original, and the clerk shall forthwith thereafter make two copies of such rolls and file the same in his office. The assessment roll as so

completed shall be the assessment roll of the city upon which city, state and county taxes shall be laid. The last assessment roll of the city of Hornellsville shall be the last assessment roll of the city of Hornell until the next assessment roll has been made.

§ 76. As soon as practicable, after any city tax shall have been ordered by the common council to be raised, the clerk by direction and under supervision of the common council, shall estimate and set down in separate columns of one of the original assessment rolls, opposite to the several sums set down as the valuation of real and personal estates, the respective sums in dollars and cents, rejecting the fraction of a cent, to be paid as a tax thereon in the manner, as nearly as may be, provided by law for the performance of like duties by boards of supervisors. The clerk shall also, in a like manner, extend such taxes in one of the copies of the assessment rolls remaining in his office. He shall deliver to the chamberlain the original roll containing such taxes, to which shall be annexed a warrant, under the seal of the city and signed by the mayor and clerk, commanding such chamberlain to receive and collect, from the several persons named in the assessment roll, the sums expressed in the several columns of such roll opposite their respective names; and in case any person named in the assessment roll shall refuse or neglect to pay his tax for sixty days after delivery to the chamberlain of such roll and warrant, to levy and collect the same by distress and sale of the goods and chattels belonging to or in the possession of such person. Such warrant shall be made returnable within such time as the common council may prescribe therein, not exceeding sixty days from its date; and the common council may by resolution from time to time, and by endorsement of such warrant signed by the mayor and clerk, extend the time for collecting and receiving such taxes and for making return thereof, but no such extension shall exceed thirty days, and the aggregate of such extensions shall not exceed beyond ninety days from the time of the expiration of the warrant in the first instance. To the copy of such a roll remaining in the clerk's office shall be attached a copy of such warrant and a receipt by the chamberlain acknowledging the delivery to him of the original roll and warrants.

§ 77. Upon receiving such tax roll and warrant, the chamberlain shall forthwith give notice in the official newspaper published in the city of Hornell that the same has been delivered to him for collection, stating the character of the tax or taxes therein

contained, and that for thirty days from the date of such notice every person may pay his tax to said chamberlain with one per centum fees thereon, which rate of fees shall apply to all school taxes, state and county taxes, and all other taxes collected by said city chamberlain. Such notice shall designate the chamberlain's office as the place where such taxes will be received, at which place the chamberlain shall attend, as in this act provided. If any such tax shall remain unpaid at the expiration of thirty days last mentioned, the chamberlain shall forthwith, give a written or printed notice to the person against whom said tax remains charged, which shall require the said person to pay the same to the chamberlain at his office within ten days from the date of said notice, with five per centum fees thereon. Said notice shall be served personally on such person, at least three days before the expiration of the time mentioned in said notice for payment, or by leaving the same at his place of residence with some person of suitable age and discretion, or at the postoffice in said city, properly enclosed in a postpaid wrapper directed to him, at least five days before the expiration of said time. For such persons not residents within said city, the deposit of such notice in the postoffice of said city, properly enclosed, postpaid and directed to them, at their respected reputed places of residence at least eight days before the expiration of such time, shall be sufficient service. Said notices shall be served by the chamberlain or some person designated by him, and the affidavit of the person making such service of the service of any such notice in the manner herein provided, shall be sufficient evidence of such service in all courts and places, and such service of such notice shall be a full compliance with the statute which requires a collector to call at least once on the person taxed, or at the place of his usual residence, and demand payment of the taxes charged to him on his property.

§ 78. If any such tax shall remain unpaid at the expiration of the time mentioned in the preceding section, it shall be the duty of the chamberlain forthwith to issue his warrant, under his hand and the seal of the city, directed to any policeman of said city, commanding him to levy and collect such taxes and fees by the distress and sale of the goods and chattels belonging to or in the possession of the person whose tax remains unpaid, whenever the same may be found in said city or in the county of Steuben, and to pay the same and to return such warrant to said chamberlain within twenty days after the date thereof; and

no claim of property which may be made to such goods or chattels shall avail to prevent a sale therefor, except in such cases as are provided for by the general statute of this state. Said policeman shall give notice of the time and place of sale and of property to be sold at least five days previous to the sale by advertisement to be posted in three or more public places in the city. The sale shall be made at public auction. Said policeman shall immediately upon the collection thereof, pay to the chamberlain such taxes and fees; and if the property be sold for more than the amount of the tax, fees and costs of such distress and sale, which costs shall be the same as those allowed by law to constables on executions, the surplus shall be returned to the person entitled thereto.

§ 79. If any such taxes shall remain unpaid after diligent effort made to collect the same by virtue of such warrant, and the officer to whom the warrant is delivered shall not be able to collect the same, the chamberlain shall prepare separate accounts of such city and school taxes in the manner, required by law of town collectors, which he shall verify by comparison with the assessment roll, and certify to be correct and to each of which shall be annexed the affidavit of the officer to whom the warrant was delivered, that the sums mentioned in such account remain unpaid, that he has not been able upon diligent inquiry, to discover any goods and chattels belonging to or in possession of the person charged with or liable to pay such sums, whereupon he could levy the same. The chamberlain shall deliver such account of unpaid city taxes to the common council which shall be filed with the city clerk and such account of unpaid school taxes to the board of education of said district respectively, which shall be filed with the clerk thereof, and he shall have the proper credits therefor. The common council shall have the power to add the amount of such unpaid city taxes, together with interest thereon at the rate of ten per centum per annum, to the annual city tax the succeeding year and charge the same upon the real estate upon which it was originally assessed, or levy and collect the same by distress and sale of the goods and chattels belonging to or in the possession of the respective persons whose taxes remain unpaid; and the same proceedings may be had for the collection thereof in all respects and with like effect as in the case of other city taxes for the then current year, and the city chamberlain shall have the same power in relation to the collection thereof as is conferred upon him by this act with respect

to the collection of other taxes for the then current year; and the said common council shall have the power to relevy and reassess such city taxes, and any taxes erroneously assessed in the manner aforesaid in succeeding years but not beyond the time specified in section eighty-three of this act; or said common council may proceed to foreclose the lien of such taxes and sale of the land affected thereby in the manner herein provided; but nothing herein contained shall be construed to repeal or in any way impair the effect of the provision of the existing laws of this state, and the methods of procedure and requirements thereof, or the existing laws as to the collection or payment of any unpaid or returned school taxes.

§ 80. The chamberlain shall account annually with the common council within the time prescribed in section fifty-six of title four of this act when he shall account to said common council for all moneys belonging to said city received by him during the preceding year. At the time of the annual settlement, had immediately preceding the expiration of his term of office, or within such time after such settlement as the common council may fix, he shall pay to the said common council, or to his successor in office as said common council may direct, all such moneys remaining in his hands. He shall deliver to the common council, or to his successor in office, as directed by said common council to do, all assessment rolls, books and papers pertaining to the affairs of said city. Said common council shall thereupon execute, acknowledge and deliver to said chamberlain a satisfaction piece, in the form as nearly as may be provided by law in the case of collectors of towns, upon production of which the county clerk shall enter of record satisfaction of the bond of such chamberlain executed by him to the said city. Failure of the chamberlain to account for or to pay over all moneys as required by this section, or other sections of this act, shall be a breach of the condition of his bond, for which the city of Hornell shall have a cause of action against him and his sureties and said city shall be entitled to recover in any such action all sums of money remaining unpaid or unaccounted for by said chamberlain and all damages sustained by said city by reason thereof, besides costs. Every such chamberlain who shall wilfully misappropriate any moneys, securities, obligations or other evidences of debts belonging to said city, or to said school district, which shall have been received by him as such chamberlain, or who shall, in violation of this act, or of any other law of this state, draw out moneys so deposited

or who shall be guilty of any other malfeasance or wilful neglect of duty of office, shall, upon conviction thereof, be punished in the same manner and to the same extent as provided by law in the case of a county treasurer convicted of any misconduct in office.

§ 81. Whenever the chamberlain shall receive a warrant for the collection of a tax for any city purpose other than those purposes hereinbefore specified, he shall give notice and collect the same in the manner herein provided for general city taxes in section seventy-seven of this act.

§ 82. All taxes and assessments for city purposes shall be a lien upon the real estate upon which they are assessed and upon all real estate in said city of the person taxed or assessed for a city tax for ten years from the first publication by the chamberlain of the notice mentioned in section seventy-seven of this title, unless sooner paid, and shall have priority in the order of time in which they become liens. If the proceedings to enforce said liens have been stayed by the court or judge, the period of such stay shall not be taken as a part of said ten years. Such liens shall be superior to any mortgage, judgment or other lien of any nature affecting such premises.

§ 83. Whenever any certificate, required by section seventy-nine of this act, of unpaid taxes and assessments, on any one parcel of land shall have been in the hands of the common council for one year, and with the additions thereto shall then remain unpaid and shall amount to at least the sum of twenty-five dollars, the city clerk shall cause the said city chamberlain's certificate as to such unpaid taxes, together with his certificate of other unpaid taxes and assessments on the same parcel of land, to be countersigned by the mayor and deliver them to the city attorney; and whenever any such certificate of unpaid taxes or assessments on any one parcel of land shall have remained in the hands of the common council for three years and the tax and additions thereto, then remain unpaid and shall be less than twenty-five dollars, the city clerk shall cause such certificate, together with all other similar certificates of other taxes and assessments on the same parcel of land then unpaid to be countersigned by the mayor and deliver them to the city attorney.

§ 84. The account and certificate of said chamberlain, with his certificate countersigned by the mayor, shall be presumptive evidence of the legality of the taxes and assessments therein

described, and of the regularity of all the proceedings required by law and the provisions of this act to be taken before the delivery thereof to the city attorney.

§ 85. The city attorney shall proceed to sell such lands as herein provided:

1. He shall immediately cause to be published once a week, for two successive weeks, in the official newspaper published in the city a list or statement of the parcels of land with any unpaid tax, penalty or interest, so returned to him describing each parcel with a notice that each of said parcels of land will, on a day within ten days after the second publication, to be specified in said notice, be sold at public auction at a place in the city therein specified to discharge the tax, penalty or interest and expenses of the sale, which shall be due thereon at the time of the sale. The charge for publishing said notice shall be one dollar to each newspaper publishing the same for each piece or lot of land described in each notice which shall be part of the expenses of the sale of such parcel of land. On the day and at the place stated in said notice, the city attorney shall commence the sale of said parcels of land, and shall continue the sale from day to day until all shall be disposed of.

2. The purchasers on such sales shall pay the amounts of their respective bids to the city attorney immediately after each parcel shall be struck off. In case a purchaser shall fail to pay the amount of his bid, as herein prescribed, the city attorney shall forthwith offer the parcel for sale again, and proceed as though it had not been struck off. Should there be no bid of the amount due on any lot or parcel of land to be sold, then the city attorney shall bid in the same for the city and the city is hereby authorized to acquire said parcels, and the common council shall have the care and control of all such parcels and may lease or sell and convey the same. As soon as practicable after the sale, the city attorney shall prepare and execute in duplicate, as to each parcel sold, a certificate of such sale, describing the parcel purchased by a brief general description of the location, boundary and estimated quantity thereof, and stating the facts of the sale, the name of the purchaser, the sum paid therefor, the amount due thereon at the time of the sale, the names of the person or persons against whom such tax was assessed, and the name of the reputed owner thereof. One of said duplicates shall be delivered to the purchaser, or, in case the parcel was struck off to the city, then it shall be retained by the city attorney. The city attorney shall

deliver the other duplicate certificate to the clerk of the county of Steuben, who shall file said certificate in his office and record the same in a book to be kept in said clerk's office for that purpose, and shall index the certificate in the name of the person to whom the parcel was assessed, the name of the reputed owner thereof, and in the name of the purchaser in the same book and manner as deeds are required by law to be indexed. The county clerk shall be entitled to receive a fee of one dollar for each certificate so filed and recorded, which fee shall be paid by the city attorney and shall be part of the expenses of the sale of the parcel.

3. If from any cause the city attorney shall be unable to attend at the time and place of sale, the city clerk of said city may conduct the sale with the same force and effect as though made by the city attorney.

4. The proceeds of the sale of each parcel, other than those struck off to the city, shall be applied to the payment of the expenses of the sale as herein provided, and to the extinguishment of the tax, penalty or interest for which it was sold, the taxes and assessments levied under the provisions of this act subsequent to those for which the sale is made, with additions thereto, and if there shall be any residue, the same shall be paid over to the chamberlain who shall pay such owner the said surplus. In all other cases, the chamberlain shall hold the same until after the period of redemption shall have expired, and then he shall pay such surplus to the person or persons entitled thereto; and the person or persons entitled thereto shall be ascertained in the same manner and by the same proceedings as in the case of surplus on statutory foreclosure of mortgage on real estate.

5. Such sale shall be made subject to all state and county taxes which are a lien at the date of the sale.

§ 86. The owner of, or any person interested in or having a lien upon any parcel or lots so sold, may redeem the same from such sale at any time within two years by paying to the city attorney, for the use of the purchaser or his assigns, or if the same shall have been redeemed by any person other than the owner thereof, then for the use of such person, the sum mentioned in the certificate, with interest thereon at the rate of twelve per centum per annum from the day of sale, together with any tax, assessment or water rate upon said parcel or any part thereof that the said purchaser or assigns, or persons before redeeming,

shall have paid between the day of sale and the day of redemption, with interest at the rate of twelve per centum per annum upon such tax, assessment or rate from the time of payment.

§ 87. At least three months before the expiration of the time for the final redemption of any parcels or lots so sold, the city attorney shall commence the publication of a notice of redemption from such sales, which shall show the year when the sale took place, and the last day for the redemption of the lands not already redeemed by the owners, without other or further description, and such notice shall be published at least once a week for six successive weeks in the official newspaper published in said city. The publication of such notice shall bar and preclude any and all persons except the purchaser on such sale, or his heirs or assigns, from claiming any interest in or lien upon said lands or any part thereof, in case the said lands shall not be redeemed from such sale as herein provided, except as to state and county taxes.

§ 88. If any parcel or lot so sold shall not be redeemed as herein provided immediately after the expiration of the said two years, the city attorney shall execute and deliver to the purchasers,* his heirs or assigns, or to the city or its assigns, as the case may be, a conveyance of the real estate so sold, which conveyance shall vest in the grantee an estate in fee, subject only to the lien, if any, of unpaid state and county taxes.

§ 89. Every such conveyance shall be executed by the city attorney, and the execution thereof shall be acknowledged before some officer authorized to take and certify acknowledgments of instruments for record in said county and such conveyance shall be conclusive evidence that the sale and subsequent proceedings were regular, and presumptive evidence that all the previous proceedings were regular and according to law. Any such conveyance may be recorded in like manner and with like effect as any other conveyance of real estate.

§ 90. The said grantee or his assigns, or the city or its assigns, as the case may be, shall be entitled to have and possess the granted lands from and after the execution of such conveyance and may cause the occupants of such lands to be removed therefrom and the possession thereof to be delivered to them, in the same manner and by the same proceedings and by and before the same officers as in the case of a tenant holding over after the expiration of his term without permission of his landlord.

* So in original.

§ 91. Whenever any grantee under any sale shall be unable to obtain possession of the lands conveyed to him by reason of any error or irregularity in the assessment of any person or property, or in the levying of a tax or any proceedings for the collection of any tax, the common council shall refund to the purchaser the money so paid with interest, same to be audited and paid as other city charges.

§ 92. At any time after such city tax or assessment has become a lien upon any parcel of land and before the final sale thereof, the owner of the fee of the property or any person having a lien by mortgage or judgment thereon, may pay said tax or assessment, with the interest, costs and expenses thereon, to the officer of the city having the same for collection and thereupon an assignment of said tax and assessment shall be executed to said person, if a mortgagee or judgment creditor, and he may add the amount so paid to his lien and enforce it, with the interest as a part thereof. In case of two or more mortgages or judgment liens upon the same property the holder of the prior mortgage or judgment shall have the right within the time aforesaid to redeem the premises from said tax or assessment. If any assignment thereof shall be held by the holder of a subsequent mortgage or judgment, then such holder of a subsequent mortgage or judgment may redeem. The provisions of the other sections of this title relating to the enforcement of the lien of such taxes, shall not be applicable to those, the account of which shall have been transmitted to the treasurer of the county of Steuben, and which he shall have paid or will be required to pay pursuant to the provisions of the statute of the state upon the subject.

§ 93. During the first week of April in each year the common council may begin the publication in the official newspaper of a statement of all city taxes and assessments on any assessment roll for the preceding year which remain unpaid, with a concise description of the parcels of real estate affected thereby, and a notice of the penalties to be incurred as herein provided in case of the nonpayment thereof. It shall continue such publication once each week for three consecutive weeks, and the expense of such publication shall not exceed one dollar for each piece of land so advertised. There shall be added to the tax on each parcel, and collected from the person paying the same, the expense of publishing the description of such parcel.

§ 94. In addition to the remedies hereinbefore provided for the collection of unpaid taxes and assessments, the common council shall have power to collect by civil action in the name of the city of Hornell any city tax, which shall be returned by the chamberlain as unpaid; and all assessment rolls and certificates of special assessments filed with the clerk or delivered to the chamberlain, or certified copies thereof, shall be prima facie evidence in all courts and places and in all actions and proceedings that the taxes and assessments therein contained have been regularly and duly assessed and imposed, and of the right of recovery thereof.

§ 95. The city clerk shall deliver the duplicate original assessment roll and copy remaining unused in his office to one of the supervisors of said city on or before the first day of October in each year, who shall present such duplicate original roll to the board of supervisors of Steuben county as and for the assessment roll of said city. Said board of supervisors shall have the power and authority to examine and correct such assessment roll and to equalize the values therein expressed as it has or may have by law with respect to assessment rolls of towns in said county. Said board of supervisors shall at its annual meeting, fix and determine the proportionate amount of state and county taxes to be equitably paid by the city of Hornell, and shall levy such state and county taxes upon said city and extend the same upon the said assessment roll in the manner in which it is by law directed to levy like taxes upon the several towns of said county. To such assessment roll shall be annexed a warrant directed to the chamberlain of the city of Hornell, similar in all respects, as nearly as may be, to like warrants issued by said board of supervisors to collectors of towns. Such roll and warrant and the copy of such roll mentioned in this section shall be delivered to one of the supervisors of the city of Hornell who shall return the same to the city clerk. The original roll and warrant shall be delivered by the clerk to the chamberlain of said city after the bond mentioned in this section shall have been executed, approved, filed and entered as herein provided, and not otherwise. To the copy of the assessment roll remaining in the city clerk's office shall be attached a copy of said warrant and a receipt signed by the chamberlain acknowledging the delivery to him of the original roll and warrant. Such chamberlain shall, within ten days after he received notice of the amount of such taxes to be collected and received by him, execute to the supervisors of said city and deliver

to them a bond with two or more individual sureties or a surety company to be approved by such supervisors, in a penalty double the amount of such taxes, conditioned that he will faithfully collect and receive such taxes and account for and pay over the same according to law. Immediately after such supervisors shall have approved said bonds, they shall file the same, with their approval endorsed thereon, in the office of the county clerk, who shall enter the same as provided by law in the case of bonds of town collectors and said bond shall, from the time of filing, be and become a lien upon the real estate of such chamberlain and his sureties, in the same manner, to the same extent and for the same time as such collector's bonds. The time for collecting and receiving such taxes and for making return thereof may be extended in the manner and for the time provided by chapter thirty-two of the laws of eighteen hundred and eighty-five, upon compliance by the said city chamberlain with the conditions imposed thereby. Except as modified by this act, the laws of this state in relation to the collection of state and county taxes shall govern the collection of all such taxes by the city chamberlain, and all provisions of law applicable to the return of uncollected taxes shall apply to such of said taxes as may remain unpaid.

§ 96. The laws of this state shall apply to and govern the collection of taxes in said city in all cases not provided for by this act.

§ 97. All taxes and assessments of the city of Hornellsville uncollected at the time of going into effect of this act shall be collected in the manner hereinbefore provided for the collection of taxes or assessments.

§ 98. The common council shall also yearly raise by a general tax and appropriate to the Saint James Mercy Hospital, the sum of one thousand dollars so long as said Saint James Mercy Hospital shall be maintained in the city of Hornell, wherein shall be received, lodged, boarded and given hospital treatment, at all times for one dollar and a half per day, any resident of said city who shall present to the matron of said hospital a duplicate certificate signed by the overseer of the poor of said city and a physician of said city stating that the person named therein is without means of support and in need of medical and surgical treatment. No portion of such money shall be paid to said hospital unless the board of managers of said hospital shall in writing report on the first day of each month, to the common council of said city, the number of patients received upon such certificates

during the preceding month, duplicates of which shall be annexed thereto, and the number of patients who, are at the date of each new report, a charge upon the city, together with their names, ages, sex, the nature of their disease or wounds, the length of time cared for, and the date of entrance and departure. No charges shall be made for such lodging, board, care, medical, surgical and hospital treatment for any one patient for a period exceeding sixty days unless authorized by new certificates secured and signed by the overseer of the poor of said city and the attending physician at said hospital, which shall be reported the same as new cases in the monthly report. The common council shall also have the power to raise by tax in each year such sum as may be necessary for the payment of the charges for lodging, boarding and giving hospital treatment, at the rate of one dollar and a half per day to any poor resident of the said city sent to said hospital in the manner and as provided heretofore in this section. The common council shall also raise by taxation and pay to the treasurer of the Hornell library association, for the purpose of maintaining a free public library for the use of the citizens of said city, the sum of fifteen hundred dollars annually.

TITLE VI.

BOARD OF PUBLIC SAFETY.

Section 99. The board of public safety of the city of Hornell shall be under the general control and management of the commissioners thereof, which shall consist of four persons, who shall be appointed as herein stated, and who shall serve without compensation, and until their successors shall be respectively appointed and have qualified. The persons so appointed shall be called the board of public safety of the city of Hornell and they shall elect one of their number president of said board.

§ 100. The mayor shall nominate, as hereinbefore provided, and by and with the consent of the common council, appoint four suitable and proper persons who shall be residents and electors within the city of Hornell to serve as such commissioners of public safety of said city of Hornell.

§ 101. The city clerk shall be the clerk of said board without additional compensation therefor; any three of said commissioners shall form a quorum for the transaction of any business, except as hereinafter otherwise directed; and such board may adopt rules and by-laws for the government thereof, and also may

establish, promulgate and enforce proper rules, regulations and orders for the good government and discipline of the police force, transmit to the common council a copy of the same, and cause a suitable number of copies thereof to be printed for the use of the department, provided that such rules, regulations and orders shall not conflict with any provisions of this act, or with the laws or constitution of this state or of the United States; and such board shall have, possess and perform all the rights, powers and duties now devolving upon the police commissioners of the city of Hornellsville, and other powers and duties given by this act.

§ 102. Each of the said commissioners, before entering upon the discharge of their office, respectively, shall make, and file in the city clerk's office, their bond to the city of Hornell in such amount as the common council of said city shall, by resolution prescribe, not less than one thousand dollars, with sufficient surety or sureties, conditioned upon the faithful discharge of their duties as such commissioners. Said bonds shall be approved by the common council as to form and sufficiency. Said commissioners shall meet at any suitable place, at such time as may be expedient, or as they shall, from time to time, designate. Said commissioners shall each have the power of a policeman.

§ 103. For the purpose of providing a permanent and effective police force, it shall be the duty of said board of public safety to select from the electors of the city, and appoint by warrant of appointment bearing the signatures of a majority of said commissioners, and to be immediately filed with the city clerk, so many permanent policemen as they may deem necessary, not to exceed one for each fifteen hundred inhabitants of said city, as shown by the last preceding state or national enumeration of inhabitants of said city, except as hereinafter otherwise specified, and as vacancies occur to fill the same in the same manner. And said board shall, in like manner, also appoint a chief of police through whom said board may promulgate rules, regulations and orders to the police force and who shall have the immediate direction and control of said force; subject, however, at all times to the rules, regulations and orders of said board or of its president authorized to so do by the board, and such chief of police and such policemen appointed in the manner aforesaid, may hold his respective office during good behavior, or until the board shall decide such chief of police or policeman to be incompetent and inefficient and cause his removal by duly appointing in his place some other person in the manner above provided.

§ 104. The president of said board, upon charges being preferred, or upon finding the chief of police or any other member of the police force guilty of misconduct shall have power to suspend such officer from service until the board of commissioners shall convene and take action in the matter; provided, however, that such member shall not remain so suspended for a longer period than thirty days, without an opportunity of being heard in his defense; and upon hearing the proofs in the case, a majority of such commissioners may discharge or restore such member in accordance with a decision of a majority of such board thereon; and the pay or salary of any member shall cease from the time of suspension to the time of restoration to service, unless otherwise ordered by said board of commissioners in their written decision, which shall be filed with the clerk; and any violations of the rules, regulations or orders of this board, or orders of any superiors shall be a good cause of removal. The salary of the chief of police and policemen for the ensuing year shall be determined by the board of public safety at the time when they shall make their annual report and estimate to the common council, and such salaries shall not be changed unless the common council shall reduce the estimate of the board of public safety, in which event the said board may revise and redetermine such salaries.

§ 105. The said chief of police and every policeman duly appointed as aforesaid shall have issued to them respectively a warrant of appointment signed by a majority of the board and countersigned by the city clerk, stating the date of his appointment, which shall be his commission, and he shall take the proper oath of office and subscribe the same in a book kept for that purpose, and the chief of police and policemen and each of them shall have and exercise the same power and authority as constables of towns now have by existing laws, and be subject to the same regulations and liabilities as are imposed upon constables of towns by existing laws, except that neither said chief of police nor any policeman provided for in this act shall have any power or authority concerning or any jurisdiction of any civil process or proceeding, except as expressly conferred by other provisions of this act

§ 106. The said commissioners, chief of police and policeman* shall also have power and authority respectively to arrest any person or persons by them found violating any of the penal ordinances or laws of the city and to take such person or persons be-

* So in original.

fore the recorder, and on a complaint being filed shall be dealt with the same as if such person or persons had been arrested upon warrant theretofore duly issued by the recorder, and it shall be the duty of such chief of police and policemen, respectively, to enforce any and all of the penal ordinances and laws of the city of Hornell.

§ 107. The chief of police or policemen shall not be entitled to receive for their own use any fees for the services performed by them in cases of criminal nature arising under the provisions of this act or for violations thereof; but each one shall be paid his actual disbursements in taking criminals to any place to which they shall be sentenced, and his actual traveling expenses in all cases of felonies or in making arrests on warrants when he shall have traveled more than two miles outside of the city limits to perform the service. Each one of said officers shall keep a book in which shall be entered all criminal business done by him which by law is now made a charge upon the county of Steuben and shall on the first day of November each year make a detailed statement of such services during the past year, which statement shall be verified by him and delivered to the city clerk, who shall present the same to the board of supervisors of the county of Steuben, which board shall audit and levy the same as other charges, and an order for the same shall be delivered to the city chamberlain as moneys belonging to said city. The actual traveling expenses allowed by this section shall be audited and paid as other charges against said board of public safety.

§ 108. The board of public safety shall also have the power to appoint, not exceeding fifteen, special policemen, who shall hold their office by virtue of such appointment for such period as such board shall direct, and shall be subject to the provisions of this act, and may be removed at the pleasure of said board. Such special policemen shall forthwith take the oath of office, and shall thereupon become vested with all powers and shall discharge all the duties of policemen under this act and the statutes of this state, subject to such limitations and restrictions as said board shall fix and prescribe; but such special policemen shall not receive or be entitled to any fees or compensation, except as expressly provided by said board of public safety.

§ 109. It shall be the duty of the chief of police, in the month of January in each year, to cause to be published once a week for three weeks, in the official newspaper printed in said city, a list of all goods, wares and merchandise then remaining unclaimed in

the police department, and which has been in its possession for a period of one year, with notice that unless claimed by the owner with satisfactory proof of such ownership before a day therein mentioned the same will be sold at public auction to the highest bidder at a time and place named in said notice. At the time and place named in said notice all such property remaining unclaimed shall be sold at public auction by said chief of police and the avails thereof, after deducting all expenses of sale, he shall pay to the city chamberlain, and it shall be placed to the credit of the board of public safety fund.

§ 110. The said board of public safety shall have, exercise and be charged with, among others, the following general powers and duties, to wit:

1. The care, custody and control of all property, real and personal, now used by the fire department of said city, or which may hereafter be acquired for said department, including the fire alarm apparatus.

2. The admission, rejection, suspension, removal and discipline of persons, members, officers and employees in said department, except as herein otherwise prescribed.

3. The control and regulations of methods for preventing and extinguishing fires.

4. The appointment of such officers as are herein authorized and also all persons to take charge of the apparatus and property used for the extinguishment of fires and the buildings under control of the department, and the fixing of their compensation, except as herein otherwise prescribed.

5. The organization and disbandment of fire companies, and to fix and limit the membership of said companies.

6. The prescribing of the powers and duties of the officers, members and employees of said department.

7. The adoption and enforcement of rules and regulations for the government of the board, and the conduct of its employees and of the members of the department; and such other powers and duties not inconsistent with the provisions of this act as are incident to the said board, and as may secure the efficiency of said department.

8. To regulate the use of lights in stables and other buildings in which combustible materials may be collected or deposited and prescribe the use of lights in such stables or other buildings.

9. To authorize any building to be razed in case of an extensive fire or conflagration in said city, if deemed by it necessary in

order to prevent the spreading of such fire or conflagration, and the city shall be liable for the value of such a building and shall make compensation therefor.

10. To investigate every fire that occurs and ascertain the cause thereof if possible.

§ 111. The said board of public safety shall appoint a chief of the fire department who shall be subject to removal at any time by said board on proof of charges preferred to or by them, in writing, of incompetency, illegal, corrupt or otherwise improper conduct, of which he has had notice and after he has had an opportunity to be heard in his defense; and said board shall in like manner fill any vacancy which shall occur by reason of death, removal, or resignation of said chief, or his successor in office. The said board shall also fix the salary of said chief of the fire department, regular firemen, callmen and drivers, and said salaries shall not be changed unless the said common council shall reduce the estimate of the board of public safety. The said board may, in like manner, designate the special duties to be performed by said chief of the fire department. The said board may appoint from the regular or volunteer firemen an assistant chief of the fire department, and fix his compensation.

§ 112. The said chief of the fire department shall as often as once in every six months ascertain what improvements, repairs, feed, apparatus and supplies are needed or may be reasonably expected to be required for the use of the board and department, and shall make out a detailed statement thereof, which he shall present to the board, and if the board shall deem it necessary to purchase the same, or any part thereof, it shall call for proposals for making and furnish the same by advertising in the official newspaper of said city for such length of time as the board shall deem proper. It shall receive bids therefor, which must be enclosed in sealed envelopes and which shall be opened only at a public session of the board. All awards shall be made at such session and to the lowest responsible bidder or bidders unless in the judgment of the board the bid or bids shall be deemed disadvantageous to the city, in which event the board may reject the same and readvertise for bids, or by the concurring vote of all commissioners, contract for the same without readvertising. The said board is authorized to enter into contracts for the making and furnishing of said improvements, repairs, feed, apparatus and supplies. If, from any cause, it shall become

necessary to procure or order any supplies, apparatus or repairs other than those contracted for as above provided, and the expense of which at any one time, in the case of supplies, shall not exceed twenty-five dollars, and in the case of repairs and apparatus shall not exceed fifty dollars, such supplies, apparatus or repairs may be provided or made on a written order of a member of the board who has authority to act in the matter. Such order shall be countersigned by the clerk, and a copy kept by the clerk in his office, and no account for any such supplies, apparatus or repairs so furnished or made shall be audited by the board, unless the order for the same is annexed thereto.

§ 113. The common council shall have the power and they are hereby authorized to sell and dispose of any lands with the buildings thereon or any property now belonging to the said city of Hornellsville or to the Hornellsville fire department of said city of Hornellsville that is now used by said fire department for fire department purposes or that may hereafter be acquired by the city of Hornell for such purpose, at such time or times after the passing of this act and for such price or prices, and upon such terms as to said common council shall seem reasonable, and to that end and for that purpose the mayor of said city is hereby authorized for and in the name of said city, to execute and deliver any deed or conveyance of such lands with the buildings thereon, upon or under a resolution therefor, duly passed by the common council of said city. The proceeds of such a sale or sales shall be paid to the city chamberlain of said city and shall be expended under the direction of said board of public safety in the purchase of other lands and real estate; for the erection of buildings thereon, to be used for fire department purposes, and for the equipment of a fire department, herein and hereby created, to the extent of such proceeds as said board shall determine.

§ 114. The board of public safety shall be guided in all contracts made and liabilities incurred by the several sums which shall be approved and allowed to the said board by the said common council, and the said board shall create no debts or incur any liabilities for any purpose which shall be in excess of the sum allowed by said common council for that purpose.

§ 115. The title to all of the property, buildings and lots used by or in connection with the said fire department shall be vested in the city of Hornell. The board may, upon the approval of the said council, from time to time, sell and dispose of such personal

property as it shall not need, and shall account for the proceeds to the common council, and pay the same to the city chamberlain to be placed to the credit of said board's funds. The said board shall apply the funds which shall arise from the fines collected, in pursuance of this act or of the by-laws made in pursuance thereof, from members of the regular or volunteer fire department, certificates of membership, money paid by insurance companies in pursuance of law except that the board shall pay to the treasurer of the fireman's home association of the state of New York ten per centum of the amount received from the two per centum tax under the insurance law of the state or any amendment thereof for the support or maintenance of the volunteer firemen's home at Hudson, New York, and donations, or of the income thereof, as they shall deem proper to the relief of indigent firemen disabled while on duty or to defray expenses necessary in the maintenance of said fire department.

§ 116. All claims against the board of public safety shall be audited only in a public meeting of the board and a warrant for the payment therefor shall be made and signed by the president of the board and by the clerk and shall be made payable by such chamberlain from funds provided for use of the commissioners as herein provided, in the same manner as warrants drawn by the mayor and clerk of said city are to be paid.

§ 117. No person who is now serving as fireman in said city shall be deprived of any exemption or privilege to which he has become entitled by reason of such service, by any act of the board of public safety, except for good and sufficient cause. All persons who shall serve as firemen for the period prescribed by law shall, at the expiration of such period, receive from the said chief of the fire department, a certificate of such service which shall entitle them to a certificate of such service from the city clerk of said city, and thereupon such persons shall possess and have all the privileges and immunities resulting from such service which are now enjoyed under the laws of this state by exempt firemen of said city.

§ 118. The said board shall have power to administer oaths and to issue subpoenas compelling attendance of witnesses in all cases of investigation, which shall be carried on by said board.

§ 119. The board of public safety shall report to the common council, at its first regular meeting in each month, the amount of money received during the previous month and sources from which it came; total expenses of police force and of fire department; ex-

penses for repairs of building and for all other purposes; and shall, at least ten days before the annual election in each year, make out and present to the common council of said city, a report giving the total of each item in its monthly reports for the year; the amount and kind of property in the different buildings under charge of the board, the number and names of the officers, employees and firemen in the department, their respective positions and the compensation paid to them; the number of fires and fire alarms occurring in said city during the previous year; the causes of such fires, the losses incurred thereby, and setting forth such other information and recommendation as the board shall deem proper and important, or as the common council shall request.

§ 120. The commissioners, officers, members and employees of the board of public safety and of said fire department, including the fire marshals herein provided for, are not officers or agents of the municipal corporation known as the city of Hornell for whose acts or omissions the said corporation shall be held liable in a civil action for injuries to person or property.

§ 121. It shall be the duty of said board, within six months after its organization, to refix and redefine the limits and boundaries in the city of Hornell within which all buildings and structures of every name and description shall thereafter be built and constructed of brick, cement or stone, with walls not less than four inches thick, or partly of all said materials or composition, and the roof be covered with slate, tile, tin or other material reasonably proof against fire; such limits or boundaries when so made and defined shall be published at length by said board in the official newspaper in said city for a period not less than one week as said board shall deem proper. After the said limits or boundaries shall have been established, as provided in this section, it shall not be lawful for any person, firm, corporation or association to build or erect, within such fire limits, any building or structure whatever, unless the same shall be built or constructed of brick, cement or stone, or partly of all said materials and the roof be covered with slate, tile, tin or other material reasonably proof against fire. But this section shall not be so construed as to apply to the inside finish of any building or structure, nor to prevent the erection of front or rear stoops or stairs of wood or privy of wood, one story high; but no wooden cornice shall be put up unless the same be covered with tin or iron, or other safe materials against fire. Nor shall it be lawful within said fire limits, to make any new addition to any such building heretofore constructed, without using for such ad-

dition the material herein required for the construction of new buildings. Any owner, occupant, builder or other person offending against any of the provisions of this section, shall for each and every violation forfeit and pay the penalty of three hundred dollars, to be recovered in an action brought in the name of and for the benefit of the said city of Hornell, in any court having jurisdiction thereof. In any such action when brought in the supreme court, the said court, or any justice thereof, or the county judge of Steuben county may grant a temporary injunction and thereby enjoin and restrain such owner, occupant, builder or other person from violating the provisions of this section during the pendency of such action; and on the trial of such action, and in the judgment when no trial has been had, the court shall also have power to perpetually enjoin the defendant or defendants from constructing the said building or structure, so built in violation of any of the provisions of this section, and order the same to be removed or taken down.

§ 122. Said board shall have power to compel the owners or occupants of private dwellings to have scuttles in the roofs thereof, and stairs or ladders leading to them, and to compel the owners, occupants or trustees of all public buildings, such as churches, hotels, school-houses, factories and all places of amusement or entertainment, to provide the same with complete, sufficient, approved and effectual fire escapes and means of exit.

§ 123. The chief of the said fire department shall be, ex officio, fire marshal of the city of Hornell, under the direction and control of the board of public safety, and the office of fire marshal in and for the city of Hornell is hereby created. The said chief of the said fire department may appoint for temporary purposes and at pleasure remove assistant fire marshals for the purposes set forth in this act. The said marshal shall have all power and authority heretofore possessed by the fire warden of the city of Hornellsville, except as in this act otherwise provided. The said fire marshal shall have power and it shall be his duty, when directed by the board of public safety to do so, to enter and inspect in person or by assistant, the several buildings, dwellings and outhouses within the city of Hornell, at reasonable hours of the day, to ascertain whether such dwellings, buildings and outhouses are safe from danger of fire and whether they are provided with sufficient scuttles to their roofs, with proper ladders or stairs leading thereto, and if found to be unsafe or without scuttles and ladders, it shall be the duty of said fire marshal to notify

in writing the owner or occupant of such dwelling, building or outhouses of the defect and danger complained of; immediately after such notification it shall be the duty of the owner or occupant of such dwelling, building or outhouse to repair the same in such manner as to remove the defect complained of. Any person refusing to allow any such fire marshal to enter and inspect any such dwelling, building or outhouse in the manner aforesaid, or refusing or neglecting to make such repairs after notice given as aforesaid shall, for each and every offense, forfeit and pay to the city of Hornell the penalty of fifty dollars, to be recovered, with costs, in an action in any court having jurisdiction. It shall also be the duty of said marshal to report in writing, all violations of the provisions of this and the preceding section to the city attorney, stating the names of the offending parties, the situation and character of the property in question, the nature of the offense, and such other information as may be necessary to enable him to act in the premises; and said city attorney shall prosecute the offenders in any court having jurisdiction if they persist in the offense.

§ 124. The board of public safety shall have full power and authority in all matters concerning, affecting or relating to the construction, equipment, alteration, repair or removal of buildings or structures erected or to be erected in the city of Hornell, except as in this act otherwise provided. And may adopt and enforce such rules and regulations relating thereto, not inconsistent with the general laws of this state and the provisions of this act, as it shall deem necessary and such rules and regulations shall have the same force and authority as an ordinance of the common council duly adopted, passed and published.

TITLE VII.

POWERS AND DUTIES OF THE RECORDER, JUSTICES OF THE PEACE AND CONSTABLES.

Section 130. The recorder shall be of the degree of counselor at law. Before entering upon the discharge of his office he shall take and subscribe the usual oath of office, and file the same in the clerk's office of Steuben county, at which office his election shall be certified by the mayor and clerk of said city. He shall at the same time execute an instrument in writing, with two sureties who shall be freeholders of the county of Steuben, to be approved by the mayor of said city, conditioned in the sum of

three thousand dollars, that he will pay over all moneys received by him by virtue of his office as directed by law. Such instrument to be delivered to the mayor of said city, who shall immediately thereupon cause such instrument to be filed with the clerk. He shall, except in cases of his absence from the city or inability from sickness or other cause to act, have jurisdiction exclusive of any justice of the peace or other officer of said city, except the judges of courts of records, to issue all criminal processes, and all processes other than in civil actions or special proceedings, which a single justice or two justices of the peace in towns are empowered or directed by law to issue; to hear all complaints and conduct all examinations in criminal cases; to hold courts of special sessions with all the power and jurisdiction of such courts as regulated by law and the provisions of this act; and the additional power and jurisdiction is hereby conferred on said recorder, exclusive of any justice of the peace or court of special sessions in the first instance, to hear, try and determine all charges for misdemeanor, and also to hear, try and determine all charges for being disorderly persons under this act, charged to have been committed within the territorial limit of his jurisdiction, and to impose the punishment authorized by statutes for such offenses, subject to the power of removal provided in sections fifty-seven and fifty-eight of the code of criminal procedure; and whenever a defendant tried before a court of special sessions held by said recorder, shall be convicted said court shall render judgment upon said conviction and shall inflict such punishment by fine or imprisonment or both as any court having jurisdiction of the offense may inflict and shall have the same jurisdiction to sentence and punish the persons so convicted as said court having jurisdiction have for the same offense. Also to try and sentence all persons who may be found guilty of any offenses which are triable by said recorder's court, and to commit for trial all persons who shall be guilty of felonies not triable in said court. Said recorder shall have power to let to bail persons charged before him, or by indictment with felony, where imprisonment in the state prison on conviction cannot exceed ten years. The recorder shall also have the same rights, power and authority within said city to administer oaths and take affidavits and acknowledgments that justices of the peace now have. The said recorder shall have the same jurisdiction, powers and authority as justices of the peace, in civil actions brought by the city of Hornell for the recovery of fines and penalties for violation of

city ordinances, and civil actions brought by the board of health for the violation of their rules and regulations. And said recorder shall have the same jurisdiction and authority as a justice of the peace in bastardy proceedings under the laws of this state. And said recorder and one justice of the peace of said city, together acting together in such bastardy proceedings, shall have the same powers as two justices of the peace would have therein. And said recorder shall have all other powers conferred by law upon recorders of cities. All processes or mandates issued by the recorder or acting recorder of said city which may be served and the defendant therein named to be arrested by virtue thereof without the county of Steuben, may be served and the defendant therein named be arrested by virtue thereof without the endorsement of said mandate or warrant by any other magistrate.

§ 131. For the purpose of revoking, annulling or suspending any licenses granted in pursuance of this act, the recorder may hear in a summary way any complaint for not conducting the business under the said license in a legal and proper manner, against any person to whom a license of any description may have been granted in pursuance of this act, and may compel the attendance of witnesses in the same manner and with the like powers as justices of the peace now possess in the trial of civil causes, and on such hearing may annul such license or suspend the same for any certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding the license affected by such determination, either personally or by leaving the same at his or her usual place of abode or business, and from the time of such service such license shall be deemed to be annulled or suspended, according to the tenor of such determination. At least twenty-four hours' notice of the time and place of hearing such complaint should be served on the person complained of.

§ 132. When any person charged or complained against as a disorderly person, under the provisions of this act, shall be arrested and brought before such recorder, he shall proceed forthwith to hear, try and determine the complaint or charge upon which said person is arrested, or he may in his discretion adjourn the hearing or trial upon cause shown, not to exceed twenty days, and in the meantime shall commit the accused to the city lockup or station-house, or any other convenient and secure place until such day, or may suffer him to go at large on his executing a bond with

sureties to be approved by said recorder, conditioned that he will appear on such adjourned day; and upon conviction of any such offender, either by confession or competent testimony, the said recorder shall have full power, and is hereby authorized to punish such offender by fine not to exceed one hundred dollars, or by imprisonment in the county jail of Steuben county or such other jail or penitentiary as may be designated by the board of supervisors of Steuben county, not exceeding six months, or by both such fine and imprisonment.

§ 133. All persons who shall be intoxicated in said city under such circumstances as to amount to a violation of public decency; all idle persons who, not having visible means of maintaining themselves, live without employment; all persons wandering about or begging or who go about from door to door, or place themselves in the streets, highways, passages or public places without the written permission of the mayor of the city, begging or receiving alms; all persons who have no visible occupation, profession or business to maintain themselves by, but who do for the most part support themselves by gaming or crime or by the avails of prostitution; all common prostitutes; all persons found quarreling within said city in any public park, lane or alley, or in any public place; all persons found within said city making indecent gestures or exhibitions of himself or herself in public view, or shall in any public place aforesaid, publicly use indecent, foul or profane words, or opprobrious or insulting or provoking language, or any outcry tending to breach of the peace, or utter threats of unlawful violence, or shall make an unusual noise, or disturbance of the public peace and quiet, and shall recklessly or without necessity discharge firearms in the day or night time, or knowingly give a false alarm of fire, or shall alone or with others use the public walks of said city to pass, or repass, lounge or loiter about or linger in premises or buildings, public or private, not owned or occupied by such person, or without any right in or about the approaches, passages, entrance, hall or stairway of any building for public assemblages or public resort to the annoyance or impediment of persons lawfully passing and repassing or of proprietors or owners, and shall refuse, after direction of any officer or citizen, to disperse from said place or places; or shall disturb or interrupt any public meeting, school, concert, theatre or exhibition, or any assemblage, without lawful authority, or shall be found in the night-time lurking suspiciously around any place in said city, and shall refuse on demand of any policeman or watchman to give an account of

himself or herself, or shall, being a minor under the age of twenty-one years, be found carrying in any public place any loaded pistol, revolver or any other firearm concealed, or shall, being a truant child under the age of fourteen years, be found wandering about late at night or alone, or in company with like persons; or who shall maliciously open or enter any barn, stable or inclosure and take away therefrom, or from any other place in said city, any horse, team, harness, carriage or vehicle of another under circumstances not making said offense larceny or felony; or shall, being a licensed hackman, cartman or driver of any omnibus or porter of said city, knowingly violate any lawful regulation of the common council relating to such persons or vehicles; or shall be found engaged in any public place aforesaid throwing stones or other missiles and endangering persons or property; or shall wrongfully, wantonly and maliciously injure any street, gas or electric lamp, lamp-post, post, wire, gas pipe or main, or any city water pipe, hydrant, hose or other works or apparatus in the extinguishment of fires, including the electric light, fire alarm apparatus, wire, boxes, posts and all appurtenances thereto, and any steam main or other steam works or apparatus in any street or public place in said city for the transmission of heat and power, or any street or corner signs put up by the authority of the common council; or shall be found naked or with person improperly exposed; or bathing in any of the public basins, streams, races, ponds or waters in said city, in any public place, between the hours of four in the morning and nine o'clock in the evening; all persons who shall sell strong or spirituous liquors and wines without a license in said city; all persons who shall neglect or refuse to report cases of a contagious or pestilential disease, in pursuance of the regulations of the board of health; all persons who shall be guilty of immoderate driving or racing horses in the public streets of said city; all persons who shall have incited or induced dogs to fight in any street or public place in said city, or who shall knowingly permit any ferocious or vicious dog to be at large in any such street or public place; all persons who shall wilfully and unlawfully break, mar, injure or deface any building, fences, awning, sign, signboard, tree, shrub or other thing, or any of the public property of said city; all persons who shall remove from or pile up before any door or any sidewalks or street, boxes, casks, or other things for the purpose of annoyance or mischief, or who shall wilfully and unlawfully tear down, destroy or mutilate any notice or hand bill lawfully posted up in said city; all persons who knowingly throw or

drop or cause to be thrown or dropped any hand bill, dodger or advertising medium in any street, lane, park or public place of said city; all persons who shall wilfully and unlawfully rub or throw any liquid, ink or other substance or any point, missile or anything upon or against any building or fence, or through any window in said city; all persons who at the time of any fire in said city, shall be guilty of any disorderly conduct, or who shall attempt to obstruct the operations of the fire department, or to excite insubordination in others, or shall wilfully neglect or refuse to obey the orders of the proper officers, shall be deemed and are hereby declared to be disorderly persons, and may be proceeded against and punished accordingly. All persons described in subdivisions three, four, five, six, seven and eight of section eight hundred and ninety-nine of the code of criminal procedure, shall be deemed and are hereby declared to be disorderly persons and may be proceeded against and punished accordingly. And any person charged with any offense specified in this section, which is by the existing law a crime or misdemeanor, may be proceeded against under the present or existing provisions of law or under the provisions of this act.

§ 134. The recorder shall reside in the city, and shall have his court room, which shall be provided by the common council, at the city hall building, or at such other place as may be designated by the common council. He shall not receive for his own use any fees for services performed by him as such officer, but shall receive an annual salary of six hundred dollars, to be paid quarterly. The recorder shall attend at the city hall from nine to eleven o'clock in the forenoon of every day, except Sundays, and as much longer as the duties of his office may require, to hear all complaints, to hold courts of special sessions, and conduct all other proceedings required by law.

§ 135. The recorder shall keep a book in which he shall enter all business done by him, and shall make accounts thereof, together with all fines, costs and fees received by him, in any criminal case or proceeding, in the same manner as accounts of justices of the peace in like cases, in which he shall charge the same fees as are allowed by law to justices of the peace, and which shall be duly verified by him, which account shall be audited as hereinbefore provided. He shall report to the common council on the first day of each month all moneys received by him during the previous month, by virtue of his office, and from whom received, upon oath; he shall pay said moneys so received to the chamberlain

of said city, within twenty-four hours after being received by him, and take his receipt therefor; the salary of said recorder shall be paid to him quarterly as aforesaid, out of the salary fund, and for every failure to make such report and pay over said moneys as above provided he shall forfeit to the said city the sum of twenty-five dollars.

§ 136. In all trials in said recorder's court the defendant shall be entitled to a trial by jury in all cases in which he would be so entitled prior to the passage of this act.

§ 137. The said recorder shall have exclusive jurisdiction in all actions brought to recover a fine, penalty or forfeiture for the violation of this act, and of the by-laws, ordinances, rules and regulations of said city, and for the recovery of taxes and assessments imposed or assessed pursuant to this act; every such action brought in the recorder's court shall be in the name of the corporation, and may be commenced by summons or by warrant; if judgment be against the defendant in such action, execution may be issued thereon immediately, unless it is for a tax or assessment, and shall require, if the officer to whom it is issued cannot find goods or chattels of the defendant whereof judgment can be collected, that the defendant be imprisoned in close custody in the county jail of the county of Steuben for a term not exceeding thirty days.

§ 138. In all cases where said recorder shall decide or give judgment in favor of any party, it shall be with costs of the action or proceeding, including witnesses' and officer's fees, and whenever any plaintiff or complainant or defendant, in any action or proceeding, shall be adjudged to pay costs, and the said recorder shall tax for his services such fees as are allowed by law to justices of the peace for like services, and such fees to witnesses and officers as are allowed to them by law in like cases before justices of the peace, which costs and fees shall be collected according to law; and all fines, penalties and forfeitures, imposed by or before said recorder for criminal offenses or for a violation of this act, or any by-laws, ordinance, rule or regulation of said city, or in any action in which he has jurisdiction, shall be received by him from the persons who shall collect the same, and paid over to the chamberlain of the city as aforesaid.

§ 139. When the recorder is incapacitated to act by reason of any case, any justice of the peace of the city of Hornell, residing in said city, who shall be designated to act in such cases, by a resolution of the common council, shall have the same powers and

be subject to the same duties and liabilities as such recorder, and shall issue all processes as acting recorder of the city of Hornell. He shall receive for such services two dollars per day, which shall be audited and allowed by the common council of said city, and paid out of the general fund, and the amount thereof shall be deducted from the salary of the recorder at the end of each quarter thereafter. Any justice of the peace so designated shall upon entering upon the discharge of his duties as acting recorder, execute an instrument in writing, with two sureties, who shall be freeholders of the county of Steuben, to be approved by the mayor of said city, conditioned in the sum of one thousand dollars, that he will pay over all moneys received by him by virtue of his office, as directed by law. No peace officer, except a policeman, shall charge or receive any fee or compensation for serving, within the city of Hornell, any process issued by the recorder or acting recorder of said city.

§ 140. The judgment and proceedings of such recorder may be reviewed in the same manner as is or may be provided in case of judgments and proceedings of justices of the peace or courts of special sessions.

§ 141. The term of office of justices of the peace elected under this act shall commence on the first day of January after their election. Every person elected to the office of justice of the peace of said city shall, before entering upon the discharge of the duties of such office, take and file in the clerk's office of Steuben county the oath of office prescribed by law, together with his bond, to the people of the state of New York, in the sum of one thousand dollars, with two sufficient sureties, who shall be freeholders in Steuben county, conditioned that he will faithfully discharge the duties of his office, and pay over to any person entitled thereto any moneys coming into his hands by virtue of said office.

§ 142. Each justice of the peace of said city shall have and keep an office or place for the transaction of his official business within said city, and not elsewhere. He shall have and exercise all the powers and authority, and discharge all the duties, and be entitled to all the fees and compensation of a justice of the peace of the several towns of this state, except he shall not have jurisdiction of any criminal matter arising within said city; nor in any action brought to recover a fine, penalty, or forfeiture for the violation of any of the provisions of the charter of said city; or the by-laws, ordinances, rules and regulations of said city; or for the recovery of taxes and assessments imposed or assessed pursuant to

the charter of said city, unless designated to act in the place of the recorder and then he shall have the powers and be subject to the duties provided in said charter. He shall have the same territorial jurisdiction as if said city constituted a part of the town of Hornellsville. A summons issued by any of said justices may be served in any part of the county of Steuben. Said justices shall have and exercise all the powers of a commissioner of deeds, in and for the cities of this state. All laws applicable to justices of the peace of the several towns, and to their official acts, duties, powers and liabilities, shall apply to the justices of the peace of said city, and to their official duties and powers, excepting as modified by this act. Said justices shall also have jurisdiction in cases where either or both of the parties reside in any of the towns of Steuben county adjoining the town of Hornellsville. Appeals from any judgment rendered by any justice may be taken to the county court of Steuben county, within the time and in the manner prescribed by law for appealing from judgments rendered by the justices of the peace in towns, and all provisions of law relative to appeals from such judgments shall apply to appeals from judgments rendered by any justice of the peace elected under this act or serving at the passage of this act.

§ 143. The constables elected under this act shall hold office for a term of two years, and be subject to the provisions of this act, and shall have the same powers and be subject to the same duties and liabilities, and be entitled to the same fees and compensation as constables of towns in this state. Every person elected to the office of constable in said city shall, before he enters on the duties of his office, execute, with two sureties, a bond to be approved by the mayor, which shall be acknowledged by all the parties in the manner required to be acknowledged by law, and filed with the city clerk, and by which said constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto all such sums of money as said constables may become liable to pay by reason or on account of any execution or other precept which shall be delivered to him for collection. All actions on any such instruments shall be prosecuted within one year after the expiration of the two years for which such constable shall have been elected or appointed, and may be brought in the name of the person or persons entitled to any money to be collected by virtue of said instrument. A copy of said instrument, certified by the clerk under the city seal, shall be presumptive evidence of the execution thereof by said constable and his sureties.

TITLE VIII.

STREETS AND HIGHWAYS.

Section 150. The city of Hornell is hereby declared a separate highway district exempt from the supervision and control of the commissioner of highways of the town of Hornellsville.

§ 151. All streets, parks, places, lanes and alleys now in public use within said city heretofore laid out as public highways under any law of this state, of which a record has been made in the office of the clerk of Steuben county, or of the clerk of the town of Hornellsville, or of the clerk of the village or city of Hornellsville, and all streets, parks, places and lanes and alleys, not recorded, which have been or shall have been dedicated, worked or improved used continuously as public highways for twenty years or more at the time this act takes effect, shall be deemed public highways of the city of Hornell.

§ 152. The board of public works shall have power to cause all streets, places, lanes and alleys used as highways in said city, which shall have been opened, laid out or dedicated to public use, but not sufficiently described, to be ascertained, described and entered of record in the city clerk's office, in a book to be provided by the city for that purpose, in the manner required by law of commissioners of highways and towns; and the same, when so ascertained, described and recorded, shall be public highways, lanes, parks, streets and places of said city.

§ 153. The board of public works shall have power to lay out and open streets, alleys, lanes, highways, parks and public grounds in said city, and to alter, widen, grade, construct, extend or discontinue the same subject to the limitations of appropriations for such work. When the said board shall lay out, widen, alter, extend or discontinue any street, alley, lane, park, place and public grounds, it shall make an order to that effect including a survey of the street, alley, lane, park, place or public ground as the case may be, which shall be signed by a majority of said board and be filed with and recorded by the city clerk in a book kept for that purpose and such order shall then take effect.

§ 154. When the board of public works, with the approval of the common council, shall have determined to lay out, alter, widen, grade, straighten, extend, make, open or construct any street, alley, lane, highways, place or public ground, and to take, appropriate and condemn the land necessary for the same, and shall have ascertained the estimated expense of such improve-

ments, aside from the damages hereinafter mentioned, and shall have determined to assess such expense and damage in the manner hereinafter provided, it shall give notice of such determination to the owner or owners of and other persons interested in the lands so proposed to be taken and appropriated, by publishing the same once in each week for four successive weeks in the official newspaper of said city, or by personal service thereof, within the state, upon each of such persons at least fifteen days prior to the time of the application hereinafter mentioned. Such notices shall specify in general terms the improvements to be made and shall describe the lands proposed to be taken and appropriated therefor, and shall state that such owner or owners, and all persons interested in said lands may, on or before a day to be specified in said notice, file with the clerk of the city their claim for damages, if any they have, on account of such taking or appropriating; and that, in case any such claim for damages shall be filed, said board will apply, at a time and place to be specified in said notice, to a special term of the supreme court within the judicial district in which said city is located, or to the county court of Steuben county, for the appointment of three commissioners to ascertain and determine the damages so claimed. If any such claim shall have been filed as aforesaid, said board shall then proceed to acquire and condemn the lands, interest in land, or right necessary, to so lay out, alter, widen, grade, extend, make, open or construct such street, alley, lane, highway, place or public ground in the manner now provided by the condemnation law of this state. If no claim shall have been filed then said board shall complete their action determined upon.

§ 155. All cleaning and repairing of streets shall be done at the expense of the city at large, except as herein otherwise provided.

§ 156. Subject to the restrictions in this title contained the board of public works shall have the power to employ any part of the street fund not deemed necessary for repairing, and clearing streets, crosswalks and bridges, in sprinkling, grading, curbing, guttering, paving and macadamizing any street, alley, lane, highway or public ground, other than parks or any part thereof, such work shall be done by or under the directions of the board of public works, and pursuant to its plans. When the board of public works, with the approval of the common council shall deem it advisable to expend an additional sum of money in sprinkling, paving, macadamizing or otherwise improving any of the streets,

bridges, alleys, lanes, highways or public grounds of the city, the expense of such sprinkling, paving and macadamizing shall be paid by special tax upon the city at large and collected in the same manner, or as nearly as may be and with the fees prescribed in this act for the collection of general city taxes. The expense of all sprinkling, curbing, guttering, paving or macadamizing of streets and other ways and places shall be defrayed by special tax upon the real estate adjacent and contiguous to that part of the street sprinkled, graded, curbed, guttered, paved or macadamized and upon the owners thereof according to the number of lineal feet of such real estate owned by each person on said street or parts thereof. Except that the city at large shall pay the expense of sprinkling, paving and macadamizing the crossings of streets and other ways and except that the city at large shall not pay more than two-thirds of the total cost or expense of macadamizing, including curbing and guttering, of any street or part thereof, and not more than one-eighth of the total cost of paving, including curbing and guttering of any street or part thereof. And the common council of such city shall have power to raise by tax such additional amounts provided the same shall have been voted by a majority of the taxpayers of said city entitled to vote and voting on a proposition to raise the same at an annual or special meeting called for that purpose; and except that every street railway now or hereafter operated in said city shall be taxed for and shall pay the expense of paving or macadamizing that portion of every street or other way paved or macadamized covered by said railway, and between the tracks, and a space of one foot in width outside of and adjoining its tracks on both sides, and no part of the expense of paving or macadamizing any street or other way or part of a street or other way, shall be taxed upon any lands not adjacent and contiguous to that part of the street or other way paved or macadamized except as herein otherwise provided.

§ 157. When the board of public works shall have caused any street or other way, or part of a street or other way, to be sprinkled or curbed and guttered, or curbed, guttered and paved or macadamized, the common council shall assess the expense of such sprinkling, curbing, guttering, paving or macadamizing against such lands and owners adjacent and contiguous to that part of the street or other way, sprinkled, curbed, guttered, paved or macadamized such portion of the expense as shall be proportioned to the value of such real estate owned by each person and

upon all street railways the portion of expense hereinbefore mentioned, all of said assessments being determined by the actual survey of the engineer in charge of the work or from the maps and figures in the office of the board of public works or both, and if necessity require from the records of the county clerk or copies thereof.

§ 158. When the grade of a street or other way has been established by the common council of the city of Hornellsville or that may be hereafter established by the board of public works, and the street or other way graded accordingly, the grade thereof shall not be changed except for the purpose of correcting error or making necessary improvements in the general drainage plan of the city, and except the same shall be done at the expense of the city at large.

§ 159. No street or part thereof shall be paved or macadamized or sprinkled by said city unless the resident owners of more than one-half of the lineal feet of real estate owned by residents of said city adjacent and contiguous to that part of the street proposed to be paved or macadamized or sprinkled petition the board of public works therefor.

§ 160. Every tax and assessment imposed under any of the provisions of this title shall be a lien upon all real estate against which the same shall be assessed from the time of filing the certificate of assessment with the city chamberlain and for ten years thereafter unless sooner paid, and the same may be collected as prescribed in title five of this act.

§ 161. Whenever an infant or other incompetent person shall be interested in real estate affected by an improvement provided for by this title, the county court of Steuben county, or the supreme court, shall have power to appoint a guardian ad litem to protect the interests of said infant or other incompetent person. Such guardian shall be entitled to receive for his services such compensation as the court making the appointment may direct.

§ 162. The county court of Steuben county shall be always open for the transaction of any business or the making of any motion contemplated by this title of this act.

§ 163. The board of public works, at the time it shall confirm any assessment made under the provision of this act, may provide that the owners of any real estate against which a tax is thereby assessed shall have the privilege of paying the same in such equal annual instalments, not to exceed ten, as it may prescribe, upon filing with the city clerk, within ten days thereafter, their election

and agreement to pay the same in that manner with interest thereon, payable annually. Every assessment of which an election and agreement as above provided has been so filed shall be collected by such instalment, with annual interest thereon, in the manner in this title provided and every instalment with accrued interest shall be a lien upon the real estate against which the same was assessed, as provided in section one hundred and sixty of this title. For the purpose of anticipating the payment of such instalments, the common council may issue bonds of the city for such part thereof, payable at such respective times, not exceeding ten years, with interest not exceeding six per centum per annum, as it may deem advisable. Said bonds shall be signed by the mayor and chamberlain and sold for cash at not less than par, to the highest bidder, and the funds derived for* the collection of said instalments as they become due shall be applied to the liquidation of said bonds and shall be placed to the credit of the board of public works fund for that purpose only.

§ 164. The board of public works is hereby authorized and empowered at any time upon any paved or unpaved street upon which improvement is contemplated, to compel the property owners whose lots front or abut thereon, to lay house connecting drains, sewer, gas and water pipes and conduits in the manner they shall provide, from the line of curbing in front of their property on any street to the sewer, gas and water mains or pipes or either, and connect them therewith, and said board of public works may establish rules therefor. Whenever the owners of said property fail to comply with the regulations or ordinances of the common council heretofore passed, or passed by said board pursuant to the authority hereby conferred, the work so required may be done by the board of public works at the expense of such owners. Such expense shall be assessed upon the real property so affected and added as a separate item to the assessment for local improvements and collected by distress and sale as hereinafter provided.

TITLE IX.

BOARD OF PUBLIC WORKS.

Section 170. The four commissioners of public works shall be appointed by the mayor with the consent of the common council as herein before prescribed shall constitute the board of public works of said city. The board shall have regular times and places

* So in original.

of meeting not less than once in each calendar month, and such session shall be public; and they shall elect one of their members as president of the board; a majority of the members of the board shall constitute a quorum for the transaction of business, other than to adjourn.

§ 171. Each of the persons appointed commissioners of public works in the city of Hornell shall serve without compensation, and before entering upon the discharge of his office shall take and subscribe the oath of office prescribed by the constitution of the state and file the same in the office of the clerk of the city of Hornell and shall make his bond to the city of Hornell in such amount as the common council of said city shall, by resolution, prescribe, not less than two thousand dollars, with sufficient surety or sureties, conditioned upon the faithful discharge of his duties as such commissioner. Said bonds shall be approved by the common council of the said city and filed in the office of the clerk of the city and the expense and charges of procuring said bond shall be a charge upon said city. Any commissioner may be removed from office, for cause, by the common council of the city by a two-thirds vote thereof, upon charges preferred in writing and served upon the commissioner against whom the same are preferred, and after reasonable opportunity to be heard on his own behalf.

§ 172. The city chamberlain of the city of Hornell shall be ex officio treasurer of the board of public works and board of public safety. He shall perform such duties as treasurer as may be directed by the said boards. The bond given by the city chamberlain to the city, pursuant to the provisions of this act, shall apply to his duties or* treasurer of the board of public works and board of public safety, and the condition of the said bond shall be broken and violated if the city chamberlain, as treasurer of either of said boards, shall not faithfully discharge the duties of that office and account for and pay over all moneys which shall come into his hands as treasurer of said boards, and the city may sue and recover on said bond.

§ 173. It shall be the duty of the board as provided in section seventy of this act to make and submit to the common council a written estimate of the expenses of said board for the ensuing year, as follows:

1. For cleaning the streets of the city.
2. For ordinary repairs of the streets, sidewalks and crosswalks of the city.

* So in original.

3. For the portion of the expense of paving, macadamizing, grading or curbing, or any other new work which should be borne by the city at large.

4. For the maintenance and care of the bridges or the building of new bridges.

5. For the maintenance, ornamentation and improvement of the public parks of the city.

6. For the care and ordinary repair of the sewers of the city.

7. For building new sewers.

8. For the purchase or repair of machinery, implements and utensils for the use of the board.

9. For other expenses of said board not above specifically mentioned.

The common council shall have power to modify or ratify said estimate as herein provided, and the said board shall not have the right to expend any greater sum for each purpose specified than is authorized by the common council.

§ 174. The commissioners of public works in said city shall be commissoners of highways in and for said city, and shall have all the powers of commissioners of highways in towns subject to the provisions of this act.

§ 175. The board of public works shall appoint a superintendent of public works who shall be an experienced civil engineer, who shall receive a salary to be determined by the board of public works, not to exceed the sum of fifteen hundred dollars per annum. The superintendent of public works may be removed from office at any time by the board of public works. The superintendent of public works shall be an officer of the board of public works and not a city officer. He shall do such engineering work and perform such other duties as may be directed by the board of public works. The city clerk shall be clerk or secretary of the board of public works. The board of public works shall have power, subject to the provisions of law, to hire and discharge such and so many employees and laborers as may be necessary to carry out the purposes of the board. The board of public safety and the common council shall have the right at any time to call on the superintendent of public works for services, information or advice in matters pertaining to their duties.

§ 176. The board of public works shall have charge of the streets, alleys, lanes, parks and public places of the city and of all work required thereon. They shall have power to require the owner of a lot or land adjoining a street or streets to build, rebuild,

repair and maintain a sidewalk along such street or streets and, if said land is unoccupied, to keep the sidewalk when built, free of snow and ice and in a clean condition. If such lot or land is occupied the occupant shall be required to keep such sidewalk free of snow and ice and in a clean condition. Notice shall be given to the owner of any lot or land to build, rebuild or repair a sidewalk along said owner's lot or land, within five days after the service of the notice. Such notice shall specify the location, whether said walk is to be built, rebuilt or repaired, width of the walk and the material with which it shall be built, rebuilt or repaired, and shall be served personally, or left at the owner's residence, if he resides in the city, and if not, may be left with the agent having charge of said lot or land, if known. If the owner is a nonresident and service cannot be made as above provided, then said notice may be served by publishing the same in the official newspaper once, and a copy of such notice shall be retained and proof of service shall be endorsed thereon. If said walk is not built, rebuilt or repaired in accordance with said notice, then the board of public works shall cause the same to be built, rebuilt or repaired at the expense of the owner. Within ten days after such walk shall have been built, rebuilt or repaired by said board, a statement in detail of the cost thereof shall be made and served on the owner in the same manner that the notice to build, rebuild or repair was served, and said statement shall require the owner of the lot or land to pay the amount stated to the city chamberlain within ten days, and a copy of such statement with an affidavit of service endorsed thereon shall be delivered to the city chamberlain. If not paid at the time specified the city chamberlain shall so report to the board of public works and said board may direct the collection thereof by any process of law. If when the next general tax levy is made the amount set forth in said statement is unpaid, in whole or in part, the said board shall furnish the common council a statement thereof and said common council shall add the amount of such statement remaining unpaid, together with a penalty of ten per centum on the amount from the time when it should have been paid, to the tax due on said lot or land, or from the owner thereof, and the whole amount thereof shall be collected by the city chamberlain in the manner provided herein for collecting taxes, and when collected the amount mentioned in said statement and the penalty thereon shall be placed to the credit of the board of public works fund, or said board may collect the amount of said statement and penalty added,

by an action in the name of the city, the recovery to be placed to the credit of said fund. Said board shall establish the grade of all streets where the same has not been established, and the distance from the line of said street to the sidewalk which shall be the sidewalk line and sidewalks shall be built on said grade and line. If the occupant of any land or the owner of unoccupied land shall neglect to remove snow and ice from the sidewalk adjoining such land for more than two hours between seven o'clock ante meridian and six o'clock post meridian, then the board of public works shall cause the snow and ice to be removed, and the expense thereof shall be paid by such occupant or owner as the case may be, as a penalty for failing to remove such snow and ice, which penalty shall be collected in the manner herein provided, for collecting penalties, or by an action in the name of the city brought by said board, or by any process of law, and the amount so collected or received shall be placed to the credit of the board of public works fund.

§ 177. If, however, the owner of any land shall fail to keep a sidewalk in repair and in the opinion of said board of public works such walk or any part thereof is in a dangerous condition, then said board may repair the same at once at the expense of the owner, without serving the notice herein provided for, and in the same manner and with the same effect as if notice to repair have been served and the owner had failed to comply therewith, or said board may remove the walk needing repairs and not repair or rebuild the same.

§ 178. Said board of public works shall have further power, as follows:

1. To regulate, prevent and prohibit the deposit of dirt, ashes, garbage or other filth, or of boxes, barrels, rubbish or other things in any street, alley, highway or public place in said city and to provide for the punishing of the person or persons doing said acts, or responsible for or directing such deposit.

2. To regulate, define and describe the width and location of all new streets or alleys; to regulate, restrain or prohibit the opening of new streets, or the use of new streets therein until a map showing the proposed streets and alleys is submitted to the board of public works, and such map is approved and such streets and alleys are laid out as public streets or alleys.

3. To designate and alter the names of streets, avenues and alleys and the number of all lots and buildings.

4. To require and compel any street railway, railroad or other corporation or company to (1) keep any street, alley or highway

through which its road may pass in said city, and the gutters, drains and culverts of said road in good condition and repair; (2) to build or rebuild the track or tracks of such street railway or railroad, or any portion thereof, in accordance with the established grade of such street, alley or highway; and (3) to remove without unnecessary delay all incumbrances and obstruction which said corporation or company shall have placed or caused to be placed upon such street, alley or highway. If such company or corporation shall refuse or neglect to do any of the acts required of it by this subdivision after being notified to do the same, the board of public works shall have power to cause the same to be done at the expense of such corporation or company, except when said track or tracks were built on the then grade or when there was no grade established when built, and such expense to be fixed and determined by said board, may be collected as hereinafter provided. Nothing in this subdivision or this act shall be construed to require any street railway or railroad to repair or keep in condition any street, alley or highway through which its road may pass except that part or portion thereof covered by its road, and a space of one foot outside of and adjoining its track on both sides. If it become necessary to remove snow or ice from any such street, alley or highway, said street railway company is to remove the snow or ice thrown out by it from its tracks and said space, and also the snow and ice which shall be upon the space upon which said snow or ice is thrown or placed, which snow and ice shall be removed at such times and in such manner as the board of public works shall prescribe.

5. To require every steam railroad company or corporation running its trains through any part of said city to keep a flagman or gates, at each railroad crossing or point of intersection of such railroad with any street, alley or highway.

6. To prevent or regulate the construction or erection of any building, awning or other structure which shall project into or over any street, alley or sidewalk in said city, and the hanging or suspending of any goods, signs or other things in or over any such street or sidewalk, and the placing of boxes, barrels or other things in or upon any such street or sidewalk, and in case the occupant of such premises or the owner of unoccupied premises shall neglect or refuse to remove the same after being notified to do so, to remove the same at the expense of the owner or occupant, and to collect such expense as provided in section one hundred and seventy-six.

7. To prevent any encroachment, incumbrance or obstruction in or upon any street, alley, sidewalk, crosswalk, highway or public ground in said city; to regulate or prevent the deposit of building material in or upon such streets, alleys, sidewalks, crosswalks, highways or public grounds; in case of neglect or refusal of any person, who shall have caused such encroachment, incumbrance, obstruction or deposit, contrary to any rule or ordinance, or of the owner of any premises upon which there shall be a building, a fence or other structure or thing encroaching upon them, encumbering or obstructing any such street, alley or sidewalk, crosswalk, highway or public ground, to remove the same after being notified so to do, shall have power to cause such removal at the expense of such person, or such owner, and to collect such expense as provided in section one hundred and seventy-six.

8. With the approval of the common council, the board of public works may enter into a contract for the collection of garbage, which shall be let to the lowest bidder, but such bids may be rejected if not deemed in the interest of the city. Notice of time and place when such bids will be received shall be published in the official paper.

§ 179. The board of public works shall report to the common council, at its first regular meeting in each month, the money received during the previous month and from what sources; amount expended by it for the following purposes; grading and repairing of streets, building and repairing sidewalks, repair of bridges, crosswalks, labor, curbing, guttering, paving and macadamizing; repairs of sewers; building or rebuilding of sewers; repair or maintenance of water pipes; repairs of reservoir; laying new water pipes and fixtures; and for all other purposes; and shall at least ten days before the annual election make to the common council a report, by combining said monthly reports in one and giving in addition, names and salaries of all of its regular employees.

§ 180. Said board of public works shall succeed to and have the powers and duties now given by law to the park commissioners, sewer commissioners and board of water works of the city of Hornellsville.

§ 181. All paving, macadamizing and grading of streets, alleys, lanes, highways or public grounds, or any part or parts thereof, in the city of Hornell, which shall have been directed and authorized pursuant to the provisions of title eight of this act and all public work, improvements, repairs, construction or reconstruction which shall have been duly authorized and directed according

to the provisions of this act, except work pertaining to the board of public safety of said city, shall be done under the exclusive direction and management of the board of public works, and pursuant to the plans made or obtained by said board.

§ 182. The public parks, known as Union park and Maple City park in the city of Hornell and all other parks or places in said city shall be under the exclusive control and management of the board of public works. They shall have the control and direction of the expenditure of all funds contributed or which may be appropriated for the grading, laying out, improving and management of said park or parks. Personal property may be donated, given or bequeathed to the city for the purpose of the improvement or ornamentation of the said park or parks and the approaches thereto, upon such trusts and conditions as may be prescribed and approved by the board of public works, and all property so donated, given or bequeathed shall be subject to the exclusive management, direction and control of the board of public works. The board of public works, in their annual report to the common council, shall make a separate detailed statement of all moneys expended by it in the care and maintenance of the public parks and a separate detailed estimate of the amount which the board considers will be required for such care and maintenance during the ensuing year. The park commissioners of the city of Hornellsville holding their office under and by virtue of the provision of chapter three hundred and eight of the laws of eighteen hundred and ninety-one shall, when and as soon as this act takes effect, transfer and deliver to the board of public works all papers, documents, books of account or other papers relating to the public park or parks, and all other property in their hands or custody or control as such park commissioners, except moneys which shall immediately be paid over to the chamberlain of said city, who shall receive and credit the same to the park fund of the board of public works fund. The office of the park commissioner and the park commission of the city of Hornellsville created by the provisions of the said chapter shall be abolished when and as soon as the transfer and delivery provided for under this section shall have been made.

§ 183. The board of public works shall have power to regulate the laying, location and construction of all gas, water, sewer, electric conduits and other pipes in the streets, lanes, parks and public places of said city and the manner of constructing sewers on private lands to be connected with the city sewers, and to fix the grade at which said pipes shall be laid, and to compel the laying

or relaying of same under the supervision of or by the said board in accordance with such grade and plans as said board shall establish; to require any individual, corporation or company, after laying, relaying or repairing such pipes in any street, alley or highway in said city to put said street, alley or highway in good condition and repair, and to remove without unnecessary delay, all incumbrances or obstructions which such individuals, corporation or company have placed or caused to be placed in such street, alley or highway; to require such individual, corporation or company to keep proper signal lights burning at night at all holes, ditches and places which shall have been rendered dangerous to persons traveling such streets, alleys or highways, and in case such individual, corporation or company shall neglect or refuse to do any of the acts required of him or it by this subdivision, after being notified to do the same, said board of public works shall cause the same to be done at the expense of such individual, corporation or company and to collect from him or it such expenses as provided in section one hundred and seventy-six.

§ 184. The board of public works shall have the exclusive control and management of the sewers or systems of sewers in the streets and alleys and public places of the city, and shall have the maintenance and management thereof. They shall have exclusive power to adopt plans for the construction of new sewers in the city of Hornell, and, if the construction thereof is approved by the common council, shall construct the same. All sewers shall be constructed at the expense of the city. They shall make by-laws and regulations for the protection, use and operation of the sewer system of the city and the several parts thereof, and shall provide penalties for the violation of such by-laws, rules and regulations, and shall prosecute for such violations in the name of the city of Hornell, and shall retain all penalties collected for such violations. The sewer commissioners of the city of Hornellsville holding their office under and by virtue of the provisions of chapter one hundred and ninety-five of the laws of eighteen hundred and ninety-one shall, when and as soon as this act takes effect, transfer and deliver to the board of public works all papers, documents, books of account, plans, surveys or other papers relating to the sewers and sewer system of the city, and all other property in their hands, custody or control as such sewer commissioners, except all moneys and funds which shall be immediately paid over to the chamberlain of said city, who shall receive and credit the same to the sewer

fund of the board of public works fund. The office of the sewer commissioner and the sewer commission of the city of Hornellsville created by the provisions of said chapter shall be abolished when and as soon as the transfer and delivery provided for in this section shall have been made.

§ 185. The board of public works shall have exclusive control and management of the banks, embankments, walls, pilings, works and dykes of said city along and upon the lands adjoining the Canisteo river and streams emptying into the same. They may adopt and carry out such measures as in their opinion may be most feasible for controlling the waters of said river and its tributaries, so as to protect and conserve the public health and prevent the deposit of filthy and dangerous substances on the lands in said city and prevent loss, injury or damage to property situated within said city and may make such changes in the course or channel of said river or its tributaries, by deepening, enlarging, altering, widening or contracting the same, and may remove islands and bars of obstruction therefrom and may construct and maintain all banks, dykes, works, structures and appurtenances along and upon the lands adjoining said river and its tributaries or elsewhere, as may, in their opinion, be proper and necessary to hold, confine, restrain and control the waters of said river in times of flood or freshet, and to prevent the overflowing of such waters over, upon or into the lands and property in said city. The board of public works may enter by its engineers, employees or servants upon any land, water or premises, for the purpose of making surveys and examinations; to contract for purchase and take by deed or other instrument, for and in the name of the city of Hornell, all real property, lands, rights and privileges, which may be required for the purposes contemplated in this section, and if for any reason the same cannot be acquired by purchase, to acquire the same by condemnation for the public use aforesaid, pursuant to the existing laws, and in case the channel of said river or its tributaries is changed, to acquire for and in the name of the city of Hornell the lands now occupied by such channel and the lands lying between any new channel and the present channel. The operations carried on pursuant to the provisions of this section shall be confined to the corporate limits of the city of Hornell, and shall not exceed in cost the sum appropriated by the common council therefor.

TITLE X.

WATER SUPPLY.

Section 190. The board of public works is hereby authorized and directed, for and in the name of the city of Hornell, to maintain, control and operate the system of water works now used to furnish the city of Hornellsville and its inhabitants, with water, and may employ engineers, surveyors, superintendents, officers, agents and such other persons as may be necessary for that purpose, and fix their compensation and terms of employment, and discharge them at will. For the purpose of extending the said system of water works, the board may also contract for, purchase and acquire by deed or otherwise, in the name of the city of Hornell, all further lands, waters, easements, property, tenements, hereditaments, rights, privileges and franchises, and any ponds, fountains, dams, mains, pipes, conduits, hydrants, machinery and all other real and personal property whatsoever, necessary for the maintenance, control and operation of said water works and the extension thereof, and to contract for the execution of said work or any part thereof, and for supplying any and all necessary materials therefor. The title of any and all property acquired pursuant to this title shall vest and be in the city of Hornell. The board, its officers, agents and employees are authorized to enter upon any lands or waters for the purpose of making such surveys, examinations and investigations as shall seem to them necessary in the faithful performance of their duties.

§ 191. The board of public works shall have power to make all contracts necessary or incidental to the execution of the powers conferred by this title, which shall be executed for the board by its president, but no contract or agreement requiring an expenditure of more than five hundred dollars shall be entered into, except for the employment of officers, agents, engineers and other employees of the board, without first advertising at least twice a week for two successive weeks in the official newspaper for proposals to enter into contract for the work or material required; and all such contracts shall be let to the lowest responsible bidder who shall furnish such security for faithful performance as shall be approved by the board; but the board may reject all such bids in its discretion and readvertise for proposals. A copy of each proposal received and every contract entered into by the board shall be filed with the city clerk. In case no bid shall be received, that the said board, all members concurring, deems it to be for the interest of

the city to accept, then said board shall cause said work to be done or such material to be procured without readvertising.

§ 192. The board of public works, and all persons acting under its authority and discretion, shall have the right to enter, appropriate, occupy and use any public street, highway, square, avenue, road, park or other public grounds for the purpose of construction, maintaining and operating sewers and water works for supplying the city of Hornell with water, and for all other purposes of this title; but the board shall in all cases, restore such public street, highway, square, avenue, road, park and other public ground to its former state of usefulness.

§ 193. If the board shall consider it necessary to refund one hundred and seventy-five thousand dollars of bonds heretofore issued by said city of Hornellsville for purchase of or construction of a water system, or any part thereof, which may be made payable in twenty years, it shall certify to the mayor and common council of said city, by resolution, the amount thereof which shall be refunded, and said common council shall then cause bonds for such amount as said board shall certify, to be issued in the name and upon the faith and credit of the city of Hornell, which bonds shall be executed by the mayor under the corporate seal of the city and countersigned by the city clerk. Said bonds shall be issued with interest coupons and in such denominations or amounts as the common council shall deem expedient, but not less than fifty dollars each; with interest at the rate of not to exceed four per centum per annum payable semi-annually at the office of the chamberlain of said city, and shall be payable in twenty years, or in such time as said board may certify, or at the option of the said board, shall be so classified and issued* that at least five per centum per annum of the principal thereof shall become due and payable in each year, making the last bond payable in twenty years from its date.

§ 194. The amount derived from receipts for water and from said system, as hereinafter provided, shall so far as necessary, be applied to the payment of the cost of maintaining and extending the said system of water works and to the payment of the principal and interest falling due on said bonds and in each year in which said amount shall be insufficient for that purpose, the common council of said city shall make due provisions by tax for the payment of the deficiency, and such deficiency shall be assessed, levied and raised in the same manner as any other general tax of said

* So in original.

city, and in addition to and in connection with the general taxes of said city.

§ 195. The board shall from time to time fix and determine the water rates to be paid by consumers of water, including a just annual rate to be paid by the city at large on account of the use of water for municipal purposes. All moneys and incomes which shall be received by the board for water or on account of said system of water works shall be deposited to the credit of the water fund of the board of public works fund of said city.

§ 196. The said board shall make, publish and enforce all needful rules and regulations in relation to the said water works and all property and appliances pertaining thereto and in relation to the management thereof and the supply of water thereby, whether to individuals or corporations, and may alter and modify the same from time to time, and may fix a penalty not exceeding fifty dollars for the violation of any of the said rules or regulations. The said common council may aid such enforcement by ordinance. The said board may prosecute in the name of said city for all violations of said rules, regulations or ordinances.

§ 197. The said board shall fix and collect the annual, semi-annual, quarterly or monthly prices of water supply by means of said water works to the dwellings, establishments or uses of individuals, companies or corporations, and shall also collect all penalties or moneys due from any source for or on account of said water works.

§ 198. The moneys derived from the penalties and water rents mentioned in this title shall be paid over to the city chamberlain to the credit of the water fund of the board of public works fund, and shall be applied as provided in section one hundred and ninety-four of this title. If the receipts from all of said sources shall be more than sufficient for said purposes, the balance thereof may be used first to purchase and cancel any bonds outstanding, and then for any lawful municipal purposes.

§ 199. No obligation shall be incurred or money expended, or issue of bonds demanded under this title by the board of public works, except by resolution duly passed by a majority of the members of the board. In every case the vote shall be taken by yeas and nays, and every such resolution and the vote thereon shall be recorded in full on the minutes of the board.

§ 200. All suits and legal proceedings which may arise out of the contracts, acts and dealings of the said board or connected therewith, shall be brought by their authority in the name of

the city of Hornell as plaintiff or petitioner; and any and all actions or proceedings authorized by this title shall be brought, taken and instituted by said board in the name of the city of Hornell, and all actions, suits or other legal proceedings brought, instituted or commenced by any person or corporation, on account of any act or thing done or omitted by said board, shall be brought, instituted or commenced against the city of Hornell in its name, and shall be defended by it under the direction of the board; and all such claims or demands may be compromised and paid by said board and any final judgment recovered thereon shall be satisfied by it out of the funds obtained by it and in pursuance of the provisions of this title. Such payments to be made only in the manner hereinbefore provided. No commissioner appointed under this title shall be personally liable for any act done in the performance of his official duty.

§ 201. Said board shall keep books showing the cost of the acquisition, construction and maintenance of said water works and of extending the same, and all its collections, receipts, expenditures, proceedings and doings and shall make a report thereof to the said common council as in this title provided and as much oftener as the common council may require and shall furnish at all times such other or further information as to the business or affairs of the board as may be required by the mayor or common council. All the books, records, vouchers, contracts and all other papers kept by the board, or in their possession, or under their control, shall at all reasonable times be subject to inspection by any officer or duly authorized agent of the city of Hornell.

§ 202. The city clerk of the city of Hornell is hereby authorized and directed to deliver to the said board certified copies of all resolutions, acts and ordinances passed by the common council pursuant to the provisions of this act, or in any way relating to the said board or the system of water works. The chamberlain of the city of Hornell is hereby authorized and directed to prepare and at all times keep a book or books in which shall be entered all moneys received or deposited in any bank or banks or trust company, and all moneys paid out on orders or warrants countersigned by him, and also shall keep on file all resolutions, instruments and other papers sent or received by him and all acts and things required to be done by said chamberlain under the provisions of this title.

§ 203. Any wilful act whereby the said water works or any property, apparatus or appliances pertaining thereto shall be in-

jured or the supply of water obstructed, impaired or made less pure, shall be deemed a misdemeanor and the person or persons convicted thereof shall be punished accordingly.

§ 204. The board of water commissioners, the Hornellsville water board and the commissioners thereof, holding their office under and by virtue of the provisions of chapter four hundred and thirty-nine of the laws of nineteen hundred and one and chapter six hundred and forty-five of the laws of eighteen hundred and ninety-nine shall, when and as soon as the commissioners of public works are appointed and have qualified as such, transfer and deliver to the board of public works all papers, documents, books of account, plans, surveys or other papers relating to the board of water commissioners, the Hornellsville water board and the commissioners and the water system of the city and all other property in their hands, custody or control as such board of water commissioners, the Hornellsville water board and the commissioners thereof, except all moneys and funds which shall be immediately paid over to the chamberlain of the said city, who shall receive and credit the same to the water fund of the board of public works fund.

TITLE XI.

BOARD OF HEALTH.

Section 210. The board of health of the city of Hornell shall be under the general control and management of the commissioners thereof, who shall be the mayor and six other persons, one of whom shall be a physician, who shall be appointed as hereinafter stated and hold their office, two for the term of until the thirty-first day of December, nineteen hundred and seven, two until the thirty-first day of December, nineteen hundred and eight, and two until the thirty-first day of December, nineteen hundred and nine, who shall receive for their services the sum of fifty dollars each per year and no other fee or reward, and shall serve until their successors shall be respectively appointed and have qualified. The persons so appointed shall be called the board of health of the city of Hornell. After the expiration of the term of office of those who shall be first appointed, as aforesaid, the term of office shall be three years. The mayor of said city shall be the president of the board of health and said board shall be organized under the public health law of the state. The said board shall appoint a competent physician, not one of its members, to be the health officer of the city and fix his compensation. The said officer shall be

under the direction of said board of health and shall perform such duties as may be required by said board of health, not inconsistent with this act and the general laws of the state. The board of health and the members thereof shall have all the powers and be charged with all the duties and responsibilities conferred and imposed upon local boards of health and the members thereof by the general laws of the state so far as the same pertain to cities, except as herein otherwise provided. The city clerk shall be the secretary or clerk of the board of health. The registrar of vital statistics in and for the city of Hornell shall be appointed by the board of health. The registrar shall keep a record of the vital statistics, and shall, on or before the tenth day of each month, make out and cause to be published a report of the deaths, births and marriages occurring in the city during the previous month; he shall also make an annual report on the first day of January in each year and present the same to the board of health, and shall perform all other duties required by the general laws of the state. He shall receive for the use of the city of Hornell all fees which by general law the registrar of vital statistics is entitled to demand and receive and pay the same over to the chamberlain of said city. The board of health shall appoint an inspector of plumbing at a salary of sixty dollars per month and shall prescribe his powers and duties as such inspector. He shall also perform such duties with reference to sewers and other inspection of public works as may be required of him by the board of public works and without further or additional compensation therefor, he shall not engage in any other business or occupation that will interfere with any of the duties required of him.

TITLE XII.

CIVIL SERVICE COMMISSION.

Section 211. The mayor shall appoint three commissioners of civil service. The term of office of said commissioners first appointed shall terminate the thirty-first day of December, nineteen hundred and seven. And thereafter the term of office of said commissioners shall be two years. The city clerk shall be the clerk of said civil service commission. The civil service commission and the members thereof shall have all the powers and be charged with all the duties and responsibilities conferred and imposed by the general laws of the state. The said commissioners shall receive for their services the sum of fifty dollars each per year and no other fee or reward.

TITLE XIII.

MISCELLANEOUS.

Section 212. All moneys directed to be paid by any person, persons, association or corporation by sections one hundred and thirty-three to one hundred and thirty-five of article three of chapter thirty-eight of the general laws of the state and all amendments thereof or other provisions of law for like purpose, shall be paid to the chamberlain of the city of Hornell, for the use of the fire department of the said city and by him credited to the fire fund of said city and said moneys shall be expended by the board of public safety of the said city for the purposes directed by this act.

§ 213. Except as in this act otherwise provided, no city officer, alderman or supervisor shall be eligible for appointment as commissioner of public safety, commissioner of public works, member of the board of health or member of the civil service commission; and any of the appointed commissioners of said boards of public safety or public works, members of said board of health or of said civil service commission, who shall hereafter be appointed or elected to any office of the city and shall not, within ten days, publicly decline the same, shall be deemed to have vacated his office of said commissioner or member.

§ 214. All ordinances, rules, by-laws, resolutions and regulations of the common council of the city of Hornellsville, in force when this act takes effect, and not inconsistent with this act, shall be and continue in force and shall have the same force and effect throughout the city of Hornell as heretofore they had in the said city of Hornellsville, and as if duly adopted, passed and published by the common council of said city, until they shall be repealed, altered or amended by the common council.

§ 215. All ordinances, rules, by-laws, codes, resolutions and regulations of the sewer commissioners, the park commissioners and water board of the city of Hornellsville, in force when this act takes effect, and not inconsistent with this act, shall be and continue in force, and have the same force and effect as heretofore they had, and as if duly adopted, passed and published by the board of public works of the city of Hornell, and they shall be the ordinances, rules, by-laws, codes, resolutions and regulations of the said board of public works until they shall be repealed, altered or amended by said board.

§ 216. All rules, regulations, sanitary ordinances, codes, plumbing codes, ordinances, resolutions, by-laws and regulations of the board of health of the city of Hornellsville and of the plumbing board and board of plumbing of the said city of Hornellsville, in force when this act takes effect and not inconsistent with this act, shall be and continue in force and effect and have the same force and effect throughout the city of Hornell as heretofore they had in the city of Hornellsville, and as if duly adopted, passed and published by the said boards until they shall be repealed, altered or amended by said boards.

§ 217. All ordinances, by-laws, rules, resolutions and regulations of the civil service commission of the city of Hornellsville, in force when this act takes effect and not inconsistent with this act, shall be and continue in force and shall have the same force and effect in the city of Hornell as heretofore they had, and as if duly adopted, passed and published by said commission until they shall be repealed, altered or amended by the said commission.

§ 218. All ordinances, rules, by-laws, codes, resolutions and regulations of the police commissioners and police commission of the city of Hornellsville, and all ordinances of the common council of said city relative to the fire department of said city, and all rules and regulations of the fire committee of said council and of the fire department of said city in force when this act takes effect, and not inconsistent with this act, shall be and continue in force, and have the same force and effect, as heretofore they had and as if duly adopted, passed and published by the board of public safety of the city of Hornell, and shall be the ordinances, rules, by-laws, codes, resolutions and regulations of the said board of public safety until they shall be repealed, altered or amended by said board.

§ 219. The appointive officers of the city of Hornellsville and of the several boards and commissions thereof, serving when this act takes effect, shall continue to fill their respective offices for the remainder of the term of office to which they were appointed, except as herein otherwise provided. The street commissioner is transferred to the direction and control of the board of public works, and the office of street commissioner as heretofore existing in the city of Hornellsville is abolished and the person serving as such when this act takes effect becomes an employee of the said board of public works; the chief of the fire department and all regular call and volunteer firemen are transferred to the direction and control of the board of public safety; the chief of police,

captain of police and all regular and special policemen are transferred to the direction and control of the board of public safety and all employees of the park commission, sewer commission and of the Hornellsville water board are transferred to the direction and control of the board of public works.

§ 220. If the common council of the city of Hornell shall consider it necessary to refund the bonds issued on the credit of the city of Hornellsville prior to the passage of this act, other than water bonds or any part thereof, it may, by resolution, cause bonds, for such amount as the said council may deem necessary, to be issued in the name and upon the faith and credit of the city of Hornell, which bonds shall be executed by the mayor, under the corporate seal of the city, and countersigned by the city clerk which bonds shall be issued with interest coupons and in such denomination or amounts as the common council shall deem expedient, but not less than fifty dollars each, with interest at not to exceed four per centum per annum, payable semi-annually, at the office of the chamberlain of the city of Hornell, and shall be so classified and issued that at least five per centum per annum of the principal thereof shall become due and payable in each year, making the last bond due in not more than twenty years from its date.

§ 221. The common council may from time to time create a fund to be known as the "sinking fund of the city of Hornell" which shall have for its purpose the liquidation of the principal of the bonded debt of the corporation of the city of Hornell as to which no provision for the payment thereof otherwise than from taxation is made. For the redemption of such debt out of the said sinking fund there may be annually included in the budget, in addition to the sums hereinbefore directed to be included therein, and paid into said sinking fund such sums, as together with interest thereon may be necessary to meet and pay outstanding bonds of the city of Hornellsville and city of Hornell by the time the same shall be due and payable, but not to exceed the sum of ten thousand dollars in any one year. When said fund is created, the mayor of the said city, subject to confirmation by the common council, shall appoint three commissioners to be known as the sinking fund commission. The term of office of said commissioners and their successors shall be two years and they shall serve without compensation. Before entering upon the discharge of the duties as such commissioners they shall take and file with the city clerk the constitutional oath. The said commis-

sioners shall give, make and execute to the city of Hornell such bonds as to form, amount and sufficiency as the common council may direct, and the expense and charges of procuring said bond shall be a charge upon said city. The said commissioners shall have control, care, custody, investment and management of the said sinking fund or funds and the payment of said debts.

§ 222. The police commissioners of the city of Hornellsville, in office when this act takes effect, shall act as the board of public safety in and for the city of Hornell and serve as such until the commissioners herein directed to be appointed as such board of public safety be appointed and qualify as in this act provided.

§ 223. All commissioners of the sewer commission, park commissioners and of the Hornellsville water board or commission, in office when this act takes effect and the term of office to which they were appointed not having expired, shall act as the board of public works in and for the city of Hornell, and serve as such until the commissioners herein directed to be appointed as such board of public works be appointed and qualify as in this act provided.

§ 224. The moneys of the said city of Hornell received from any and all sources after this act takes effect, including moneys received from the city of Hornellsville, shall be credited to the proper fund for which raised by taxation or otherwise received by said city as in this act provided. The chamberlain shall, as directed by resolution of the common council, credit the moneys received as aforesaid to the proper fund, as aforesaid, and the following funds are created and provided: sinking fund of the board of public works fund; investment fund of the board of public works fund; street fund of the board of public works fund; water fund of the board of public works fund; sewer fund of the board of public works fund; park fund of the board of public works fund; contingent fund of the board of public works fund; police fund of the board of public safety fund; fire fund of the board of public safety fund; supervision of buildings fund of the board of public safety fund; contingent fund of the board of public safety fund; poor fund of the common council fund; interest fund of the common council fund; water fund of the common council fund; light and heat fund of the common council fund; salary fund of the common council fund; health and vital statistics fund of the common council fund; hospital fund of the common council fund; library fund of the common council fund; general fund of the common council fund. Nothing herein contained shall prevent

the common council from subdividing any of the said funds as they may deem best. All orders or drafts on the chamberlain made by said common council, board of public works and board of public safety, as provided by this act, shall specify the particular fund from which it shall be paid and shall not be paid from any other fund. The common council, may, by a vote of at least two-thirds of the members thereof, transfer moneys from a fund which becomes unnecessary or obsolete to another fund or funds, except that no money shall be transferred from the sinking, investment, water or sewer funds of the board of public works fund to any other fund.

§ 225. All officers of the said city and all boards and commissions thereof not herein otherwise required to make monthly reports, shall report to the common council, in writing, on the first day of each month, all moneys received by them during the month previous to such report, at such length and in such manner as the common council may direct.

§ 226. The chamberlain of the city of Hornell shall, on the first day of each month, report to the common council, in writing, the date, number, amount, to whom payable and the fund to which charged, of all order or drafts of the said city and the boards thereof, presented to and paid by him during the previous month, the balance remaining in each of the several funds the month previous, the sums credited during the month to said several funds and the balance remaining on hand at the date of said report in the said several funds and the amount of unpaid city taxes and other claims and charges in favor of said city, together with such other information as the common council may direct, and the balance remaining in each of the several banks of deposit of said city. The moneys of the said city and the several boards and commissions thereof, deposited with banks or trust companies as herein provided, shall not be deposited to or credited to the same account with moneys of the board of education, the county of Steuben or the state of New York in any such bank or trust company by the said chamberlain; and at least ten days before the annual election he shall make a report for the year by consolidating the monthly reports.

§ 227. When judgment shall have been recovered in favor of said city for any fine, penalty or forfeiture, execution thereon may issue against the person as well as against the property of the defendant, in the form prescribed by the law for such execution.

§ 228. No person shall be an incompetent judge or juror by reason of his being an inhabitant of said city, or liable to taxation therein, in any action or proceeding in which said city is a party or interested. No judgment recovered against said city shall be collectible by execution until after an annual tax shall have been levied and collected therein, subsequent to the recovery of such judgment.

§ 229. At the first meeting of the common council after this act takes effect, the mayor shall nominate the first commissioners of public safety and public works and thereafter shall nominate a suitable and eligible person for each appointive office, at least thirty days before the term of such office expires.

§ 230. Whenever any land or interest in land shall be required for the purpose of said city, the board of public works shall be charged with the procuring of the same, and in case it can not agree with the owner or owners thereof as to compensation to be made therefor, then it may in the name of the city acquire such land or interest in land in the manner provided for by the condemnation law of this state.

§ 231. The word person as used in this act shall be construed to include all persons, firms, companies, corporations and associations.

§ 232. This act shall be a public act and known and cited as the charter of the city of Hornell.

§ 233. Nothing in this act contained shall affect any action or legal proceeding in any court in which the city of Hornellsville is a party, nor shall it affect the town of Hornellsville.

§ 234. The following laws so far as they affect the city of Hornell are repealed, namely: chapter forty of the laws of eighteen hundred and eighty-eight; chapter three hundred and seventy-four of the laws of eighteen hundred and eighty-eight; chapter one hundred and twenty-five of the laws of eighteen hundred and eighty-nine; chapter four hundred and seventy-two of the laws of eighteen hundred and ninety; chapter three hundred and eighty of the laws of eighteen hundred and ninety-one; chapter five hundred and eighty-five of the laws of eighteen hundred and ninety-two; chapter one hundred and ninety-three of the laws of eighteen hundred and ninety-five; chapter three hundred and forty-seven of the laws of eighteen hundred and ninety-four; chapter three hundred and eight of the laws of eighteen hundred and ninety-one; chapter three hundred and twenty-four of the laws of eighteen hundred and ninety; chapter one hundred and ninety-five of

the laws of eighteen hundred and ninety-one; chapter one hundred and twenty-five of the laws of eighteen hundred and ninety-seven; chapter seven hundred and thirty-eight of the laws of eighteen hundred and ninety-nine; chapter six hundred and forty-five of the laws of eighteen hundred and ninety-nine; chapter four hundred of the laws of nineteen hundred and three.

§ 235. This act shall take effect May first, nineteen hundred and six.

Chap. 289.

AN ACT to authorize the payment of the claim of James A. Russell for services rendered the city of New York.

Became a law, April 20, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The comptroller of the city of New York is hereby authorized in his discretion, provided he is satisfied that such services were rendered, to pay the bills of James A. Russell, for services as stenographer rendered by him to the city of New York in two certain proceedings for the condemnation of certain lands acquired for dock purposes in said city, which proceedings are respectively entitled, "In the matter of Clinton, near South street, East River," and "In the matter of pier seven, East river," and which bills in the aggregate amount to the sum of six hundred and eighty-four dollars.

§ 2. This act shall take effect immediately.

Chap. 290.

AN ACT to amend chapter two hundred and sixty-nine of the laws of eighteen hundred and seventy-two, entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush bridge company," as amended by chapter five hundred and two of the laws of eighteen hundred and ninety-five.

Became a law, April 20, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine of chapter two hundred and sixty-nine of the laws of eighteen hundred and seventy-two, entitled "An act authorizing the construction of a bridge across the Hudson river at the city of Albany, and incorporating the Albany and Greenbush bridge company," as amended by chapter five hundred and two of the laws of eighteen hundred and ninety-five, is hereby amended so as to read as follows:

§ 9. Subdivision 1. After the said bridge shall have been completed, such tolls and charges may be collected by the said corporation for crossing the same on foot and with wagon, cars, and carriages of any kind, and with horses or other animals, or otherwise, as the directors may from time to time establish; but such tolls and charges shall in no case exceed those charged on the first day of November, eighteen hundred and seventy-one, by the Rensselaer and Saratoga railroad company for crossing its bridge across the Hudson river and Mohawk river to West Troy, or those charged at that time by the ferry company on its boats running between Albany and Greenbush, or those by this act hereinafter established.

Subdivision 2. The said corporation shall keep for sale at all times at all its toll offices for the collection of toll from foot passengers, passenger tickets in packages, quantities or lots of not less than twenty each, which shall be sold at the rate of twenty-five cents for each package, quantity or lot, and each of such tickets shall entitle the holder thereof to one passage on foot across said bridge in either direction, and said corporation shall cause to be conspicuously posted at each end of said bridge and in view of foot passengers approaching its toll offices, a schedule of the established toll rates.

Subdivision 3. For any violation of or failure to comply with any provision or requirement of this section by said corporation or by any agent, servant or employee thereof, said corporation shall forfeit and pay one hundred dollars to the aggrieved party, the same to be recoverable, with costs, in a civil action therefor. A resident of the city of Albany or of the city of Rensselaer may commence and prosecute an action or proceeding for any violation of or failure to comply with any of the provisions of subdivisions one and two of this section or of either thereof in any court of the city or county of which such plaintiff or complainant is a resident at the time of such violation or failure.

Subdivision 4. If any person shall force or attempt to force a passage upon or over said bridge without having paid the legally established toll, such person shall be guilty of a misdemeanor and shall forfeit and pay to the said corporation hereby created five times the legal toll, to be recovered in an action brought in the name of the corporation hereby created, with costs of suit.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. This act shall take effect immediately.

Chap. 291.

AN ACT to amend the code of civil procedure, in relation to the verification of pleadings in the justice's court.

Became a law, April 20, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections twenty-eight hundred and ninety-one, twenty-nine hundred and thirty-six, twenty-nine hundred and thirty-eight, and twenty-nine hundred and eighty-eight, of the code of civil procedure, are hereby amended to read, respectively, as follows:

§ 2891. Plaintiff to prove his case, except where a verified complaint is served.—If a defendant fails to appear and answer, the plaintiff cannot recover without proving his case, except in an action which has been commenced by the service of a summons and verified complaint as provided by section twenty-nine hun-

dred and thirty-six of this code; in such action, in case the defendant fails to answer said complaint, as provided by section twenty-nine hundred and thirty-eight of this code, at the time of the return of said summons he shall be deemed to have admitted the allegations of the complaint as true, and the court shall, upon filing the summons and complaint, with due proof of service thereof, enter judgment for the plaintiff and against the defendant, for the amount demanded in such complaint, with costs, without further proof.

§ 2936. **Complaint.**—The complaint must state, in a plain and direct manner, the facts constituting the cause of action. In an action arising on contract for the recovery of money only, or on an account, the plaintiff or his agent, at or before the time of the issuing of the summons, may make a written complaint as above provided, specifying the amount actually due the plaintiff from the defendant, and praying judgment for the amount so due, which said complaint shall be signed by the plaintiff or his agent and verified in the manner and as provided by section five hundred and twenty-six of this code. Said summons and complaint shall be attached and shall be served upon the defendant by delivering to and leaving with him, personally, true copies thereof, not less than six nor more than twelve days before the return day of said summons; and the official certificate of the constable making such service shall be sufficient evidence thereof.

§ 2938. **Answer.**—The answer may contain a general denial of each allegation of the complaint, or a specific denial of one or more of the material allegations thereof. It may also set forth, in a plain and direct manner, new matter constituting one or more defenses or counterclaims. In case the defendant appears and answers in an action in which a verified complaint has been served, his answer shall be in writing and shall be verified as above provided for the verification of the complaint.

§ 2988. **Effect of failure of defendant to appear.**—Where the defendant makes default in appearing or pleading, upon the return of a summons, which has been duly served as prescribed in this chapter, the justice must hear the allegations and proofs of the plaintiff, and render judgment according to law and equity, as the very right of the case appears, except in an action commenced by the service of a summons and verified complaint as provided by section twenty-nine hundred and thirty-six of this code, in which case judgment may be entered as provided by section twenty-eight hundred and ninety-one of this code.

§ 2. Chapter four hundred and fourteen of the laws of eighteen hundred and eighty-one and chapter four hundred and seventy-two of the laws of eighteen hundred and eighty-nine are hereby repealed.

§ 3. This act shall take effect September first, nineteen hundred and six.

Chap. 292.

AN ACT to amend chapter eight hundred and twelve of the laws of eighteen hundred and ninety-six, entitled "An act to revise, amend and consolidate the several acts relating to the area or territory known as Sylvan Beach, in the town of Vienna, county of Oneida, and to repeal certain acts and parts of acts," in relation to changing the boundaries of the territory affected by said chapter.

Became a law, April 20, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter eight hundred and twelve of the laws of eighteen hundred and ninety-six, entitled "An act to revise, amend and consolidate the several acts relating to the area or territory known as Sylvan Beach, in the town of Vienna, county of Oneida, and to repeal certain acts and parts of acts," is hereby amended to read as follows:

§ 1. This act shall affect all that part of the town of Vienna, in the county of Oneida, known as Sylvan Beach, and described as follows: Beginning at the intersection of the New York, Ontario and Western railroad with the center of the barge canal and running thence easterly one hundred feet, and running thence northwesterly on the easterly side of and on a line parallel to the center of said railroad, one and one-half miles; thence southwesterly at right angles with said parallel line one mile; thence southerly on a line parallel with the shore of Oneida lake to the center of the lake channel of the barge canal; thence along the center line of the channel of the barge canal to the place of beginning.

§ 2. This act shall take effect immediately.

Chap. 293.

AN ACT to amend the code of civil procedure, in relation to the voluntary dissolution of a corporation.

Became a law, April 20, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections twenty-four hundred and twenty-three and twenty-four hundred and twenty-five of the code of civil procedure, are hereby amended to read as follows:

§ 2423. **Presentation of petition, et cetera; order to show cause; receiver.**—The papers must be presented at a special term of the supreme court, held within the judicial district, embracing the county wherein the principal office of the corporation is located. In a case specified in section twenty-four hundred and twenty of this act the court may in its discretion entertain or dismiss the application. Where it entertains the application, or where the cause is one of those specified in section twenty-four hundred and nineteen of this act, the court must make an order, requiring all persons interested in the corporation to show cause before it, or before a referee designated in the order, at a time and place therein specified, not less than six weeks after the granting of the order, why the corporation should not be dissolved. The order must be entered, and the papers must be filed, within ten days after the order is made, with the clerk of the county where the principal office of the corporation is located. If it shall be made to appear to the satisfaction of the court that the corporation is insolvent, the court may at any stage of the proceedings before the final order, on motion of the petitioners on notice to the attorney-general, or on motion of the attorney-general on notice to the corporation, appoint a temporary receiver of the property of the corporation, which receiver shall have all the powers and be subject to all the duties that are defined as belonging to temporary receivers appointed in an action, in section seventeen hundred and eighty-eight of this act. The court may also, in its discretion, at any stage in the proceeding, after such appointment, upon like motion and notice, confer upon such temporary receiver the powers and authority, and subject him to the duties and liabilities of a perma-

nent receiver, or as much thereof as it thinks proper, except that he shall not make any final distribution among the creditors and stockholders, before final order in the proceedings, unless he is specially directed so to do by the court. If such receiver be appointed, the court may, in its discretion, on like motion and notice, with or without security, at any stage of the proceeding before the final order, grant an injunction, restraining the creditors of the corporation from beginning any action against the said corporation for the recovery of a sum of money, or from taking any further proceedings in such an action theretofore commenced. Such injunction shall have the same effect and be subject to the same provisions of law as if each creditor upon whom it is served was named therein.

§ 2425. **Order to be served on creditors and stockholders.**—A copy of the order must also be served upon each of the persons, specified in the schedule as a creditor or stockholder of the corporation, or as a person to whom an engagement of the corporation is to be performed, other than a person whose residence is stated to be unknown, or to be without the United States. The service must be made either personally, at least ten days before the time appointed for the hearing; or by depositing a copy of the order, at least twenty days before the time so appointed, in the postoffice, inclosed in a postpaid wrapper, addressed to the person to be served, at his residence, as stated in the schedule.

§ 2. Title eleven of chapter seventeen of the code of civil procedure is hereby amended by adding at the end thereof two new sections to be sections twenty-four hundred and thirty-one-a and twenty-four hundred and thirty-one-b, and to read as follows:

§ 2431-a. **Commissions of receiver.**—A receiver appointed pursuant to this title is entitled, in addition to his necessary expenses, to commissions upon the sums received and disbursed by him as the court by which or the judge by whom he is appointed allows, as follows: On the first twenty thousand dollars, not exceeding five per centum; on the next eighty thousand dollars, not exceeding two and one-half per centum; and on the remainder, not exceeding one per centum; but in case the commissions of a receiver so computed shall not amount to one hundred dollars, said court or judge may in his or its discretion allow said receiver such a sum not exceeding one hundred dollars for his commissions as shall be commensurate with the services rendered by said receiver.

§ 2431-b. **Final accounting.**—A receiver appointed under this title shall apply within one year after qualifying as such for a final settlement of his accounts and an order for distribution, or shall apply to the court upon notice to the attorney-general for an extension of time, setting forth the reasons why he is unable to close his accounts, which order may be granted in the discretion of the court. The attorney-general or any creditor, or any party interested, may apply for an order that the receiver show cause why an accounting and distribution shall not be had at any time after the expiration of one year after the receiver qualifies; and it shall be the duty of the attorney-general after the expiration of eighteen months from the time the receiver enters upon his duties, in case he has not applied for a final settlement of his accounts, to apply for such an order on notice to such receiver. In case of such application by a party other than the receiver the court shall direct the receiver to take steps to account with all convenient speed. The receiver is not required or authorized to file any account, except as herein provided, except by special order of the court.

§ 3. This act shall take effect September first, nineteen hundred and six.

Chap. 294.

AN ACT to divide the second judicial district into two judicial districts, to be known as the second judicial district and the ninth judicial district.

Became a law, April 20, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The present second judicial district shall be and the same hereby is divided into two judicial districts, to be known respectively as the second judicial district and the ninth judicial district, the same to consist of the following counties respectively, namely, the said second judicial district hereby created to consist of the counties of Richmond, Kings, Queens, Nassau and Suffolk; and the said ninth judicial district to consist of the counties of Westchester, Putnam, Dutchess, Orange and Rockland.

§ 2. The justices of the supreme court now resident in the

second judicial district, hereby constituted, shall be considered to be justices in said second judicial district.

§ 3. The justices of the supreme court now resident in the ninth judicial district, hereby constituted, shall be considered to be justices in said ninth judicial district.

§ 4. The said second and ninth judicial districts, hereby established, shall constitute the second judicial department.

§ 5. This act shall take effect immediately.

Chap. 295.

AN ACT to reappropriate the unexpended balance of an appropriation made by chapter six hundred and fifty-five of the laws of nineteen hundred and four, to establish a state college of agriculture at Cornell University.

Became a law, April 20, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two hundred twenty-two thousand three hundred sixty dollars and sixty-six cents, being the unexpended balance of the appropriation of two hundred fifty thousand dollars made by chapter six hundred fifty-five of the laws of nineteen hundred four, for erecting buildings for the state college of agriculture at Cornell university, is hereby reappropriated for the same purposes and to be paid in the same manner as provided in said chapter six hundred fifty-five of the laws of nineteen hundred four.

§ 2. This act shall take effect immediately.

Chap. 296.

AN ACT to amend the insanity law, relative to the examination of immigrants at the port of New York, and the alien and non-resident insane in the state of New York to ascertain their mental condition.

Became a law, April 23, 1906, without the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighteen of article one of chapter five hundred and forty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the insane, constituting chapter twenty-eight of the general laws," as added by chapter three hundred and twenty-six of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 18. **Board of alienists for examination of insane, idiotic, imbecile and epileptic immigrants, alien and nonresident insane; power and duties.**—A board of alienists for the examination of insane, idiotic, imbecile and epileptic immigrants, alien and nonresident insane is hereby established. Such board shall consist of three examiners to be appointed by the commission in lunacy, one of whom shall be designated by the commission as chief examiner. Each examiner shall be a reputable physician, a graduate of an incorporated medical college, of at least ten years' actual experience in the practice of his profession, and of at least five years' experience in the care and treatment of the committed insane in the New York state hospitals. Each examiner shall receive an annual salary of five thousand dollars, to be paid in the same manner as the salaries of the assistants and clerks of the commission in lunacy. The members of such board shall hold office during good behavior, and be removable by the commission for cause, after an opportunity to be heard has been given. Each of such examiners shall devote his entire time to the performance of the duties of the board and while engaged therein shall reside at the port of New York. The commission in lunacy shall endeavor to arrange for the proper accommodation of such board with the proper authorities of the United States having control of the inspection and examination of immigrants at the port of New York and for official recognition of such board for carrying out the purposes of this section. Arrangements may be made by the commission in lunacy for suitable offices in the

city of New York for the accommodation of such board, and the employment of such other persons as may be deemed necessary by them for the proper carrying into effect of the provisions and intent of this section. Such board shall inspect and examine immigrants coming into this country at the port of New York for the purpose of ascertaining whether any of them be insane, idiotic, imbecile or epileptic, and all alien and nonresident insane in the state hospitals and public institutions who are or who become public charges, for the purpose of determining whether they are suitable cases for deportation or removal. The superintendents of such hospitals and public institutions shall notify such board of all such cases coming under their jurisdiction and furnish all aid and information possible to accomplish the deportation and removal of such aliens and nonresidents. The board shall notify the proper authorities of the United States having control of the enforcement of the immigration laws at such port of such immigrants as are found to be insane, idiotic, imbecile, or epileptic, and such insane aliens as are or become public charges and shall arrange for their deportation in accordance with the provisions of such laws. And in the case of nonresidents they shall notify the state commission in lunacy of the location of the same and in all suitable cases the commission shall grant the board the necessary authority for the investigation and removal of such nonresident insane. The duties hereby imposed upon such board shall be performed under the supervision of the commission in lunacy, and in accordance with rules adopted by it. The commission may impose such other duties on such board as it may deem necessary and proper for carrying out the general purposes and intent of this section. Each of the members of such board shall be empowered to administer an oath when necessary to persons giving information relative to cases under investigation.

§ 2. This act shall take effect immediately.

Chap. 297.

AN ACT for the relief of the people of the state of California, and making an appropriation therefor.

Became a law, April 24, 1906, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the relief of the sufferers from earthquake, fire, pestilence or otherwise in the state of California.

§ 2. The money appropriated by this act shall be expended by and under the direction of the governor through the agency of the American national red cross or otherwise, and shall be paid by the state treasurer on the warrant of the comptroller on the certificate of the governor.

§ 3. This act shall take effect immediately.

Chap. 298.

AN ACT making an appropriation for heating, lighting and plumbing the warden's residence at the Eastern New York reformatory.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The following sums or so much thereof as may be necessary are hereby appropriated for the heating, plumbing and lighting systems for the warden's residence at the Eastern New York reformatory, namely: For heating system, eighteen hundred dollars; for plumbing system, twenty-four hundred dollars; for lighting system, sixteen hundred dollars; which sums shall be paid by the treasurer on the warrant of the comptroller to be expended on the direction of the superintendent of state prisons.

§ 2. This act shall take effect immediately.

Chap. 299.

AN ACT making an appropriation for continuing the restocking of the Adirondack region with wild moose and beaver.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of two thousand one hundred and forty-nine dollars and seventy-three cents, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of purchasing wild moose and their liberation in the Adirondack region, as specified in section eleven of the forest, fish and game law, payable by the treasurer on the warrant of the comptroller, on the order of the forest, fish and game commission.

§ 2. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury, not otherwise appropriated, for the purpose of purchasing wild beaver and their liberation in the Adirondack region, as specified in section fourteen of the forest, fish and game law, payable by the treasurer on the warrant of the comptroller, on the order of the forest, fish and game commission.

§ 3. This act shall take effect immediately.

Chap. 300.

AN ACT to amend chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Oswego," generally.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of chapter three hundred and ninety-four of the laws of eighteen hundred and ninety-five, entitled "An act to revise the charter of the city of Oswego," is hereby amended to read as follows:

§ 4. The officers of the city shall be as follows: Elective

officers: One mayor, one recorder, two justices of the peace, two constables, four commissioners of fire and police; **appointive officers:** A city chamberlain, a city clerk, a city attorney, a city engineer, a janitor of the city hall, four commissioners of charity, one commissioner of works, four commissioners of free common schools, a harbormaster, four commissioners of water, a superintendent of water, a chief of police, a captain of police and so many additional regular policemen as are hereinafter authorized by this act, a police matron, a janitor of police station, members of the board of health, three assessors, a chief engineer of the fire department, a fire marshal, a keeper of the city almshouse, two poundmasters, a sealer of weights and measures, and so many commissioners of deeds as the common council shall designate according to law; and the following officers for each ward: **Election officers:** One alderman and one supervisor; and **appointive officers:** Such election officers as are prescribed by the general election law.

§ 2. Section sixty-two of said act is hereby amended to read as follows:

§ 62. In the event of the death of the mayor, and until the vacancy caused thereby shall be filled by election, the following shall be the order of succession to such office: First, the commissioner of works; second, president of the department of education; third, president of the department of fire and police; fourth, president of the department of charity; and a special election to fill a vacancy in the office of mayor shall be called as provided in this act and held without unnecessary delay.

§ 3. Section one hundred and twenty-seven of said act is hereby amended to read as follows:

§ 127. There shall be one commissioner of works of said city who shall be appointed by the mayor and shall constitute the department of works. Said commissioner of works shall be appointed by the mayor within ten days after this act becomes a law for a term ending December thirty-first, nineteen hundred and twelve and until his successor shall be appointed and qualifies. Thereafter the term of office of such commissioner shall be six years from the first day of January of the year in which he shall be appointed, and such appointment shall be made in January of the year following the expiration of the term of such commissioner. Such commissioner shall receive a salary of eighteen hundred dollars per year, payable in equal monthly instalments by the common council from the contingent fund which shall be in full com-

pensation for all services rendered by him. The commissioners and superintendent of works in office at the time this act becomes a law shall continue in office until the commissioner of works herein directed to be appointed, shall be appointed and qualifies at which time their respective terms of office shall cease and be at an end.

§ 4. Section one hundred and twenty-eight of said act is hereby amended to read as follows:

§ 128. A vacancy in the office of commissioner of works shall be filled by appointment by the mayor for the unexpired term.

§ 5. Section one hundred and twenty-nine of said act is hereby amended to read as follows:

§ 129. The said commissioner may be removed by the mayor for official or other misconduct, upon proof, but not otherwise. Such commissioner shall be furnished with a copy of the charges preferred and an opportunity be given for a defense thereof.

§ 6. Section one hundred and thirty of said act is hereby amended to read as follows:

§ 130. The department of works shall have control of the construction, improvement, repair and cleansing of the streets, highways, alleys, avenues, sewers, culverts, sidewalks, crosswalks, parks, city hall grounds, wharves and bridges; of the erection of lamps, lampposts, electric-lights, electric-light poles and fixtures; of the lighting of the city and all buildings and rooms owned or used by the city of Oswego; of the purchase of supplies and materials for all of the foregoing purposes and it shall have control of the expenditure of the funds for such purposes.

§ 7. Section one hundred and thirty-one of said act is hereby amended to read as follows:

§ 131. The said commissioner upon assuming the office shall fix the times for holding the regular sessions of the department by an entry in the records of the department.

§ 8. Section one hundred and thirty-two of said act is hereby amended to read as follows:

§ 132. The department of works shall employ a clerk at a salary to be fixed by said commissioner not exceeding six hundred dollars per year, whose duty it shall be to keep regular and full books of account of all the transactions and proceedings of said department, and an accurate record of each fund subject to its warrants, showing at all times the amount of warrants drawn against each fund separately and the balances unexpended, and he shall perform such other duties as the said commissioner of works may assign him. He shall hold office at the pleasure of the said commissioner. The

books and accounts of the department shall be open to the inspection of any elector of the city at all reasonable hours.

§ 9. Section one hundred and thirty-three of said act is hereby amended to read as follows:

§ 133. The common council shall provide suitable rooms in the city hall for the sessions of said department for the transaction of its business, which sessions shall be held as provided by the rules of said department.

§ 10. Section one hundred and thirty-four of said act is hereby amended to read as follows:

§ 134. The department of works shall pay all claims and demands duly audited by it only by warrants on the city chamberlain against funds in his hands subject to the drafts of such department signed by the commissioner of works and countersigned by its clerk; every warrant so drawn shall be made payable to the order of the person entitled to receive the money thereon, except that the department of works is authorized to issue warrants as above provided to the order of the commissioner of works or clerk for the amount of any single payroll for work or labor performed under direction of said department, provided that before such warrant or warrants shall be drawn for the amount of any such payroll, the said roll or rolls shall be duly verified under oath, attached thereto, by the commissioner of works or his assistant or deputy having knowledge of the fact set forth in any such payroll, and every such payroll shall continue the name of each person employed, the time of service, the rate per diem or otherwise to be paid and the total amount due to each such person. All such payrolls shall be filed in the office of the city chamberlain within ten days from the payment of the warrant drawn therefor, and such officer shall at all times keep and retain the same in his office.

§ 11. Section one hundred and thirty-five of said act is hereby amended to read as follows:

§ 135. The amount of the highway fund raised by the common council in any year shall not exceed the sum of twenty-one thousand dollars, and shall not be less than that sum, unless the said department shall certify to the common council that a less sum will be sufficient, in which case the sum so certified and no more shall be raised by the common council for the highway fund. The city chamberlain of the city of Oswego shall annually deduct from the city's portion of the excise money received by him from the county treasurer of the county of Oswego the sum of five thou-

said dollars and turn the same over to the said department of works, and the same shall constitute a fund for permanent improvements and shall be used only for permanent construction. If the said department shall in any year certify to the said city chamberlain that a less sum will be sufficient for that year the said city chamberlain shall turn over to said department only the sum so certified as sufficient.

§ 12. Section one hundred and thirty-eight is hereby amended to read as follows:

§ 138. The department of works shall have credit with the city chamberlain for the amount of the sidewalk fund on the first day of April in each year and may draw its orders against said fund at any time after that date. The amount so credited to the sidewalk fund shall be borrowed from the contingent fund and repaid to the contingent fund on or before the fifth day of October in each year from the moneys collected by tax that year for the sidewalk fund. All moneys collected by local assessment for sidewalks shall be paid to the city chamberlain to the credit of the contingent fund.

§ 13. Section one hundred and forty-two of said act is hereby amended to read as follows:

§ 142. If the department shall finally determine, notwithstanding objections, to order such improvement, it shall make an order accordingly which shall be entered at length in its proceedings, stating the cost thereof and the proportion of such local improvement to be borne by local assessment, and giving a general description of the proposed improvement, and shall cause the same to be certified to the common council. Upon presentation to the common council of such certified order it shall be the duty of the said council and it shall, within thirty days after such presentation, order such improvement to be made by the department of works, and shall order the local assessment to be made therefor as proposed by said department of works and certified to said council. The board of local assessors shall thereupon proceed to make such local assessment as by this act prescribed.

§ 14. Section one hundred and forty-four of said act is hereby amended to read as follows:

§ 144. The commissioner of works shall appoint two deputy commissioners of works, who shall be residents of said city, and shall hold office at the pleasure of said commissioner and each shall receive a salary not exceeding the rate of six hundred dollars per annum to be fixed by the said commissioner of works and paid

from the highway fund. It shall be the duty of said deputies to superintend under the general direction of the commissioner of works all work to be done or ordered to be done upon or in relation to any and all matters under the control of said department or commissioner, and to perform, under the direction of said commissioner such other duties as he shall prescribe, as well as all duties imposed by this act.

§ 15. Section one hundred and forty-six of said act is hereby amended to read as follows:

§ 146. The department of works shall have jurisdiction, without petition, request or consent, to require the owners of property fronting upon any street, highway, alley or public place to make, construct, relay, repair and keep in order the sidewalks in front of said property. Whenever the said department shall deem it necessary that any existing sidewalks be relaid or new sidewalk constructed it shall require a notice to be served upon the owner of the premises in front of which said sidewalk is to be relaid or constructed, requiring him to relay or construct the said sidewalk, as the case may be, within two weeks after the service of such notice; and in case a new sidewalk shall be required to be constructed, the department shall prescribe, and the notice shall specify the width and thickness of such sidewalk and the material of which it is to be constructed. Such notice shall be served upon each owner personally or by leaving the same at his residence with some person of suitable age and discretion, if he be a resident of the city; but if he reside elsewhere, such notice may be served on his agent or other person having the property in charge or upon the occupant or by depositing the same in the post-office, postage prepaid, properly directed to such owner at his last known place of residence. If there be two or more owners of any one piece of property, service upon any one of them shall be sufficient. In case such notice shall be served by mail, the owner shall have twenty days from the mailing thereof in which to comply with its requirements. It shall be the duty of the deputies of works to serve in person, without unnecessary delay, the notices specified by this section, and neither of said officers shall receive any additional compensation therefor. It shall be the duty of the clerk of the department to prepare all notices required by this section and to keep a record thereof. Proof by affidavit of the service of said notices upon each of said owners, agents or occupants shall be made by the person serving the same, and filed in the office of the department of works. In case any owner shall

neglect or refuse to relay or construct such sidewalk within the time limited therefor, the said department shall have authority to relay or construct the same; and the work shall be done by the commissioner of works. Upon the certificate of the commissioner of works that the work of constructing or relaying any sidewalk has been completed, together with the cost of the same, the common council shall cause the expense thereof to be assessed and collected in the same manner as other local assessments.

§ 16. Section one hundred and forty-seven of said act is hereby amended to read as follows:

§ 147. It shall in all cases be the duty of the owner of every lot or piece of land in said city to keep the sidewalks adjoining his lot or piece of land at all times in good repair, and in safe and passable condition, and also to remove and clean away all snow and ice or other obstructions therefrom. In case any sidewalk in said city shall at any time in the judgment of the commissioner of works require repair or improvement the said commissioner of works may serve a written or printed notice upon the owner of the adjoining lot requiring him to repair or improve such sidewalk within five days after the service of such notice. Such notice shall be served in the manner prescribed in the last section. If such notice be served by mail, the owner shall have ten days in which to comply with its requirements. If any person shall neglect or refuse to make such repairs or improvements within the time limited therefor, the said commissioner of works shall have power to repair or improve the same in such manner and to such extent as he shall deem necessary. Whenever said commissioner of works shall make such repairs or improvements he shall deliver to the owner or send to him by mail, whether he reside in the city or elsewhere, a statement of the expense thereof. If such expense be not paid to the city chamberlain within ten days after the delivery or mailing of such statement, the said commissioner of works shall file his affidavit of the actual expense thereof with the chairman of the board of local assessors, and the same shall thereupon be assessed and collected the same as other local assessments, with interest thereon at the rate of twelve per centum per annum from the time such affidavit was filed. Such repair shall correspond in the material used and in the execution of the work with the original sidewalk, unless on application by the owner the commissioner of works shall consent to a change. Whenever any sidewalk shall be relaid or con-

structed the same shall be relaid or constructed upon the grade fixed or approved by the city engineer.

§ 17. Section one hundred and fifty of said act is hereby amended to read as follows:

§ 150. The commissioner of works shall have exclusive authority:

1. To permit the excavating in any public street or the opening of any public sewer of said city at such time and in such manner and under such regulations and superintendence thereof as said commissioner may prescribe in his order granting such permission. Any expense incurred by said department in any such superintendence, or in restoring or repairing such street or sewer shall be a lien, until paid, upon the premises or lot for the benefit of which any such work was done, and shall be enforced as unpaid claims for the construction of sidewalks are directed to be enforced by the provisions of this act, and the city of Oswego shall have a lawful demand against the applicant to whom such permission may have been given for such expense, and the same may be sued for in the name of the city and recovered by said department, and when collected shall be paid to the city chamberlain to the credit of the fund against which such expense is properly chargeable.

2. To determine the place for planting and the relative location of any shade or ornamental trees in the streets and parks of said city, and the removal, pruning and trimming thereof, and of any such trees now in said streets or parks; and to that end may adopt general rules and regulations with reference thereto, which rules and regulations shall be published once each week for three successive weeks in the official papers. Any owner or occupant of premises in said city, in front of which there shall be any shade or ornamental tree or trees, who shall neglect to comply with such rules or regulations in reference thereto twenty-four hours after personal service of, or the posting of, a copy of such rules and regulations in a conspicuous place on said premises, shall be subject to a penalty not to exceed five dollars, to be sued for and recovered by the city of Oswego and paid to the city chamberlain of said city to the credit of the highway fund. The said tree or trees may be pruned and trimmed under the direction of said commissioner and the expense thereof shall be collected by said department from such owner in addition to the penalty above provided.

3. To regulate the grade and width of sidewalks in said city,

and also to regulate the width and space between the sidewalks and the curb line in the streets thereof.

4. To employ the services of the city engineer in all matters pertaining to said department requiring the services of a civil engineer or surveyor, and it shall be the duty of the city engineer to perform all such services when so required.

5. To lease any wharves or docks belonging to the said city subject to any existing easements thereon.

§ 18. Section one hundred and fifty-three of said act is hereby amended to read as follows:

§ 153. The commissioner of works in said city shall be commissioner of highways in and for said city and shall have all the powers of the commissioners of highways in towns subject to the provisions of this act.

§ 19. Section one hundred and fifty-four of said act is hereby amended to read as follows:

§ 154. All legal obligations incurred by the department of works shall be a charge upon and be paid from the highway fund, except those for public lighting and for constructing, rebuilding and repairing sidewalks, and those which may be charged to the fund for permanent improvements.

§ 20. The said act is hereby amended by adding after section one hundred and fifty-five a new section numbered section one hundred and fifty-five-a, which shall read as follows:

§ 155-a. The commissioner of works shall, before he enters upon the duties of his office, give a bond to the city of Oswego in the penal sum of five thousand dollars executed by a duly authorized surety company incorporated, or doing business, under the laws of the state of New York, to be approved by the mayor, and conditioned that he shall faithfully execute the duties of his office, and account for and pay over all moneys received by him.

§ 21. Section three hundred and forty-five of said act is hereby amended to read as follows:

§ 345. The city of Oswego shall not be liable for the damage or injury sustained by any person in consequence of any sidewalk or crosswalk in said city being out of repair, unsafe, dangerous, or obstructed by snow, ice or otherwise, unless actual notice, of the defective, unsafe or obstructed condition of said sidewalk or crosswalk shall have been given to the common council, the commissioner of works at least forty-eight hours previous to such damage or injury. All claims against the city for damages or injury alleged to have arisen from the defective, unsafe, dangerous or

obstructed condition of any street, crosswalk, sidewalk, culvert or bridge of the city, or from the negligence of the city authorities in respect to any such street, crosswalk, sidewalk, culvert or bridge, shall within three months after the happening of such damage or injury, be presented to the common council by a writing signed by the claimant and properly verified, describing the time, place, cause and extent of the damage or injury. The omission to present such claim as aforesaid, within said three months shall be a bar to any action or proceeding therefor against the city. No action for such damage or injury shall be maintained unless commenced within one year from the happening of the same.

§ 22. This act shall take effect immediately.

Chap. 301.

AN ACT to amend the Greater New York charter, relative to the department of docks and ferries.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The Greater New York charter, as re-enacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by inserting therein a new section immediately following section eight hundred and twenty-three-b thereof, to be known as section eight hundred and twenty-three-c, and to read as follows:

ACQUIREMENT OF CERTAIN WHARF PROPERTY ON THE NORTH OR HUDSON RIVER.

§ 823-c. In all proceedings hereafter taken by the commissioner of docks of the City of New York, for the acquirement of wharf property, rights, terms, easements or privileges, or lands under water and uplands in the City of New York, if said wharf property or lands under water, or wharf property to which said rights, terms, easements or privileges are appurtenant, is or are situated south of the northerly line of Cortlandt street extended westerly, upon or adjacent to the North or Hudson river, in the

borough of Manhattan, City of New York, it shall not be necessary for the said commissioner of docks to make any attempt to agree with the owners of any such property, rights, terms, easements, privileges, uplands or lands under water, upon a price for the same before commencing the proceedings authorized by section eight hundred and twenty-two of this act. In a proceeding hereafter brought for the acquirement of any such wharf property, rights, terms, easements, or privileges, or uplands, or lands under water situate, as in this section set forth, if the commissioners of the sinking fund shall by resolution so direct the title to the said wharf property, uplands and lands under water, rights, terms, easements and privileges shall vest in the City of New York at such time as said resolution shall direct, after the filing in the office of the clerk of the supreme court, in the first judicial district, of the oaths of the commissioners of estimate and assessment in said proceeding appointed, and all of the rights, title and interest of any and all of the owners or persons interested in the said wharf property, rights, terms, easements and privileges or lands under water, or uplands, shall cease and determine and be extinguished at such time.

§ 2. This act shall take effect immediately.

Chap. 302.

AN ACT providing for the issue of bonds of the state to run for a period of fifty years in lieu of bonds heretofore authorized by chapter one hundred and forty-seven of the laws of nineteen hundred and three, but not issued.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. There shall be issued in the manner and at the times hereinafter recited, bonds of the state in amount not to exceed ninety-nine million dollars in lieu of bonds to that amount authorized by chapter one hundred and forty-seven of the laws of nineteen hundred and three, but not issued. Said bonds shall be sold by the state and the proceeds thereof paid into the state treasury, and so much thereof as shall be necessary expended for the purpose of improving the Erie canal, the Oswego canal and the

Champlain canal, and the procurement of the lands required in connection therewith, as provided in said chapter one hundred and forty-seven of the laws of nineteen hundred and three. Said bonds shall be exempt from taxation.

§ 2. The comptroller is hereby directed, under the supervision of the commissioners of the canal fund, to cause to be prepared the bonds of this state in an aggregate amount not to exceed ninety-nine million dollars, said bonds to bear interest at a rate not to exceed three per centum per annum, which interest shall be payable semi-annually in the city of New York. Said bonds shall be issued to run for a period of fifty years, and shall not be sold for less than par. The comptroller is hereby charged with the duty of selling said bonds to the highest bidder after advertising for a period of twenty consecutive days exclusive of Sundays and holidays, in at least two daily papers, one printed in the city of New York, and one in the city of Albany. Said advertisements shall contain a provision to the effect that the comptroller may reject any or all bids made in pursuance of said advertisements, and in the event of such rejection, the comptroller is authorized to readvertise for bids in the manner above described as many times as in his judgment may be necessary to effect a satisfactory sale. The said bonds shall not all be sold at one time, but they shall be sold in lots not exceeding in amount ten million dollars, as the proceeds thereof may be required during the ensuing year to prosecute the work of the said improvement of the canals. There is hereby imposed for each year after this act goes into effect, until provision is fully made for the payment of the interest and principal of said bonds a direct annual tax sufficient to pay said interest and principal within fifty years, to wit: a tax of four hundred and eighty-one one-thousandths of a mill upon each dollar of valuation of real and personal property in the state subject to taxation, which taxes shall be assessed, levied and collected by the annual assessment and collection of taxes in each of said years in the manner prescribed by law, and shall be paid by the several county treasurers into the treasury of the state. The proceeds of such tax shall be invested by the comptroller under the direction of the commissioners of the canal fund, and together with the interest arising therefrom, any premiums received on the sale of said bonds, and interest accruing on deposits of money received from the sale of said bonds, or from miscellaneous sources, shall constitute a sinking fund, which is hereby

created. Said fund shall be used solely for the purpose of paying the principal and interest of bonds issued in accordance with the provisions of this act. Provided, however, that in case the legislature shall set apart in any fiscal year, moneys in the state treasury as a sinking fund to pay the interest on the said bonds as it falls due and to pay and discharge the principal thereof, and such moneys shall be sufficient to provide a sum equal to the amount that would otherwise have been raised, as hereinbefore provided in such fiscal year for such sinking fund, a direct annual tax for such year shall not be imposed and collected as required by the provisions of this act.

§ 3. Contracts for the said improvement of the canals may be made from time to time, provided that together with the cost of the necessary lands, structures and waters and all other expenses of the work, they shall not in the aggregate exceed the amount of the bonds authorized by law for such improvement and the amount realized on the sale of the abandoned canal lands, any provision of chapter four hundred and seventy-nine of the laws of eighteen hundred and ninety-nine to the contrary notwithstanding.

§ 4. Any surplus arising from the sale of bonds, the sale of abandoned lands, or from the sale of buildings, or other property upon lands, condemned or otherwise purchased, for purposes of said improvement, over and above the cost of the entire work of the said improvement of the canals, shall be applied to the sinking fund for the payment of the said bonds.

§ 5. This act shall take effect immediately.

Chap. 303.

AN ACT to amend chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," relative to funds to be raised for certain purposes.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title six of chapter two hundred and fourteen of the laws of eighteen hundred and eighty-eight, entitled "An act to revise the charter of the city of Binghamton," as amended by chapter one hundred and seventeen of the laws of eighteen hundred and ninety-one, chapter thirty-two of the laws of eighteen hundred and ninety-two, chapter two hundred and thirty-six of the laws of eighteen hundred and ninety-three, chapter five hundred and eighty-nine of the laws of eighteen hundred and ninety-four, chapter eight hundred and fifty-eight of the laws of eighteen hundred and ninety-five, chapter three hundred and forty-four of the laws of eighteen hundred and ninety-six, chapter seven hundred and seventeen of the laws of eighteen hundred and ninety-seven, chapter one hundred and eighty-seven of the laws of nineteen hundred, chapter one hundred and twenty of the laws of nineteen hundred and two and chapter four hundred and three of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 1. The common council shall have power to cause to be raised, annually, a sum not exceeding eight thousand dollars, to defray the ordinary and contingent expenses of the city; a further sum, not exceeding twenty-five thousand dollars, for salaries; a further sum, not exceeding five thousand dollars, to defray the expenses of elections; a further sum, not exceeding two thousand five hundred dollars, for expenses of public printing; a further sum of not exceeding thirty-five thousand dollars, to defray the expenses of the police department; a further sum, not exceeding forty-five thousand dollars, to defray the expenses of the fire department; a further sum, not exceeding fifteen thousand dollars, to aid in defraying the expenses of a nonsectarian city hospital; a further sum, not

exceeding six thousand dollars, for expenses of the board of health, and examining and supervising board of plumbers and plumbing; a further sum of not exceeding five thousand dollars, to be paid to the park commissioners of said city, for improvement and management of the parks of the city; a further sum of not exceeding fifty cents for every one hundred dollars of the assessed valuation of the taxable property in said city, to be determined from the last annual assessment-roll of said city, to defray the expenses of providing lamps and lighting the city, and of making, grading, repairing and improving the highways, streets, lanes, alleys, bridges, public grounds, sidewalks, crosswalks and gutters in said city; and in addition thereto, such further sum as may be raised for school purposes as provided in title eleven of this act, and such further sum as may be necessary to pay all instalments of principal and interest on the public debt of the city of Binghamton coming due during the ensuing year; and such further sum as may be required to pay any judgments outstanding against said city. And out of the contingent fund herein provided, the common council may appropriate and expend, not to exceed five hundred dollars in any one year, in the entertainment of guests of the city, the decoration of public buildings, when deemed advisable, and in carriage hire upon the occasion of any public ceremonies in which said council may participate. But nothing in this section shall prohibit the raising of any further sum, in any one year, for local improvements, as in this act otherwise provided. All sums to be raised by a general tax, in pursuance of this act, shall, except as herein otherwise provided, be assessed and rated upon and among the owners of real and personal estate, incorporated companies and associations named in the revised assessment-roll, in proportion to the valuation therein stated, in the same manner and proportion, as near as may be, as taxes in and for the county of Broome are rated and assessed.

§ 2. Section sixteen of title nine of said act, as amended by chapter seventy-one of the laws of eighteen hundred and eighty-nine, as amended by chapter thirty-two of the laws of eighteen hundred and ninety-two, as amended by chapter seven hundred and seventeen of the laws of eighteen hundred and ninety-seven, and chapter four hundred and three of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 16. The common council of the city of Binghamton shall have power and it shall be its duty, to raise with the annual city tax such sums, not exceeding forty-five thousand dollars, as may be es-

timated and certified by the said board of fire commissioners and determined by the common council to be necessary and proper for the following purposes:

1. For salaries of officers, paid men and employees of the department.
2. For salaries of companies.
3. For apparatus, fire alarm improvements and extension, and necessary sites and buildings.
4. For all other necessary and contingent expenses of the department.

§ 3. Section five of title ten of said act is hereby amended to read as follows:

§ 5. On the second Tuesday in February, eighteen hundred and eighty-nine, the said board shall, by resolution, appoint a superintendent of streets and city property, who shall take office on the third Tuesday in February following, and the term of office of the superintendent of streets and city property shall be two years; and the said board shall, every alternate year, on the second Tuesday in February preceding the termination of such term of office, appoint a superintendent of streets and city property to take office on the expiration of such term. Said superintendent shall receive an annual salary of twelve hundred dollars, payable monthly, and be allowed in addition two dollars per week for each week that he shall keep a horse for actual use in his work as such superintendent. The board may, at any time, by the vote of all the commissioners, or the vote of three commissioners and the mayor, remove a superintendent without assigning any reason therefor, or may, at any time, by a majority vote, suspend such superintendent with stoppage of salary during such suspension. Said board may also remove a superintendent by a majority vote, upon charges, after giving the accused opportunity to be heard. In the case of the removal of a superintendent, the board shall fill the vacancy thus occasioned for the unexpired term. In the case of a suspension they may appoint a superintendent for the time being. The superintendent in office when this act takes effect shall be subject to the control of said board the same as if appointed under this act.

§ 4. This act shall take effect immediately.

Chap. 304.

AN ACT to authorize the extension of Riverside park in the city of New York by filling in certain land under water so as to permit the construction of an athletic field and playgrounds therein by the trustees of Columbia college in the city of New York.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The city of New York is hereby authorized to fill in and improve all or any part of the land under water and upland, fronting upon Riverside park, in the city of New York, bounded southerly by the northerly line of One hundred and sixteenth street, if extended westerly; northerly by the southerly line of One hundred and twentieth street, if extended westerly; easterly by the westerly line of the route or roadway of the Hudson river railway company, as laid down upon the map of said route or roadway filed in the office of the register of the city and county of New York on or about the second day of September, eighteen hundred and forty-seven; and westerly by the bulkhead harbor line now established or that may hereafter be established by the secretary of war of the United States; provided however, that no such filling in or improvement shall be made under authority of this act, except in pursuance of some agreement to be entered into as hereinafter provided.

§ 2. The board of estimate and apportionment of the city of New York is hereby authorized and empowered in its discretion at any time or times after the passage of this act to enter into an agreement or agreements with the corporation known as the trustees of Columbia college in the city of New York in reference to the filling in and improvement of the land under water and upland within the limits specified in the first section of this act, and the land so filled in and improved shall constitute a part of or an extension of Riverside park. Such agreement or agreements shall fix and define the boundaries of the proposed extension and shall provide in what manner and by whom the same shall be constructed and improved, and how it shall be connected

with that portion of Riverside park which lies east of the said route or roadway of the Hudson river railroad company, and what alterations and improvements if any shall be made in the said last mentioned portion of Riverside park. In case the said the trustees of Columbia college shall agree to assume the expense of constructing the said addition and of improving the same, then the said agreement or agreements may provide that any portion or portions of Riverside park lying west of the said route or roadway of the Hudson river railroad company may be enclosed or set apart as an athletic field or fields and for boat landing or boat houses for use and occupation by the said the trustees of Columbia college and such persons as the said corporation may from time to time admit thereto; subject, however, to such conditions and upon such terms as to the maintenance of the said athletic field or fields, boat landings or boat houses, or the establishment of play grounds for pupils of the public schools, or subject to such other conditions and upon such other terms as the said board of estimate and apportionment shall in its discretion think proper. Provision may be made in the said agreement or agreements for building a pier or landing place for vessels and for the construction by the said the trustees of Columbia college of suitable buildings for dressing rooms, spectators' seats and other structures to be used and occupied by the said corporation in connection with the said athletic field or fields. The said agreement or agreements may provide for the use and occupation of the said athletic field or fields, and of the buildings and structures connected therewith by the said the trustees of Columbia college so long as the said corporation shall maintain the same and carry out all the provisions of the said agreement or agreements on its part to be observed. The said agreement or agreements shall provide that all work to be done thereunder shall be subject to the jurisdiction and control of the department of parks of the city of New York, and shall define how and to what extent such jurisdiction and control is to be exercised.

§ 3. In case the said agreement or agreements shall provide for any expenditure by the city of New York either for a bridge or bridges over the said route or roadway of the Hudson river railroad company, or for alterations in that portion of Riverside park which lies east of the said route or roadway, or for any other purpose, it shall be the duty of the comptroller of the city of New York, on being thereto authorized by the board of estimate and apportionment of the city of New York, to issue and sell the

corporate stock of the city of New York in such amounts as may be necessary to meet such expenditure, and at such a rate of interest as may be fixed by said comptroller. No consent or approval of any other board or body shall be necessary to authorize the comptroller to issue such stock for the purposes of this act.

§ 4. This act shall take effect immediately.

Chap. 305.

AN ACT to establish a retirement fund for pensioning retired teachers, supervisors, superintendents and principals of the public schools in the city of Troy, including union free school district number one of the town of Lansingburgh, and to regulate the collection, management and disbursement thereof.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The president of the board of education of the city of Troy, the president of the board of education of union free school district number one of the town of Lansingburgh in the city of Troy, and seven teachers of the public schools of the city of Troy including the schools in union free school district number one of the town of Lansingburgh, of which teachers two shall be school principals, shall constitute a board of trustees who shall have the general care and management of the public school teachers retirement fund created by this act. In the month following the passage of this act and in the same month in each year thereafter, a meeting of all the teachers, supervisors, superintendents and principals of the public schools of the city of Troy and union free school district number one of the town of Lansingburgh, shall be called by the superintendent of schools of the city of Troy, at which time and place two school principals and five teachers, then in active service, shall be chosen by the assembled teachers, supervisors, superintendents and principals, to serve for a term of one year upon the board of trustees hereinbefore mentioned. The said board of trustees is empowered to make payment from said fund of the annuities granted in pursuance of this act; to take all neces-

sary and proper action in the premises; and to make such by-laws, rules and regulations as may be necessary or proper; and to provide for the administration and investment of said fund as it may deem best, except that no part of said fund shall be invested in any manner except as approved by the mayor of the city of Troy or otherwise than as the savings banks of the state are by law permitted to invest their funds. All vacancies occurring otherwise than by expiration of term in the office of either or any of the seven members of said board of trustees chosen from the teachers shall be filled until the end of the official year by the appointment of the said board of trustees. In case any trustee chosen or appointed as aforesaid shall cease to be such teacher or principal such trusteeship shall at once become vacant.

§ 2. The public school teachers retirement fund created by this act shall consist of the following moneys with interest or income therefrom, to wit:

(a.) Five per centum annually of the excise moneys to which the city of Troy may from May first, nineteen hundred and six to and including April thirtieth, nineteen hundred and ten, be entitled by virtue of the provisions of the liquor tax law of the state of New York, and thereafter three per centum annually of the excise moneys to which the city of Troy may be entitled by virtue of the provisions of said liquor tax law. Said sum shall be paid into said pension fund and duly credited thereto by the proper officials of said city.

(b.) One per centum of the respective salaries paid to the superintendents of schools, supervisors, principals and teachers regularly employed in the public schools of said city and union free school district number one of the town of Lansingburgh; except that the amount deducted from any one salary shall not exceed twelve dollars in any one year.

(c.) All forfeitures and deductions of or from the salary of any superintendent, supervisor, principal or teacher employed in the public schools of said city and union free school district number one of the town of Lansingburgh, for an absence from duty for any cause. Such forfeitures and deductions shall be paid into said pension fund and duly credited thereto by the proper officials of said city and said union free school district number one of the town of Lansingburgh.

(d.) All surplus funds appropriated by said city and union free school district number one of the town of Lansingburgh, for the payment of salaries in the department of education in their

respective jurisdictions and remaining on hand on or after December thirty-first, nineteen hundred and six. Such surplus shall be paid into said pension fund and duly credited thereto by the proper officials of said city and said union free school district number one of the town of Lansingburgh.

(e.) All donations, legacies, and gifts which shall be made to said fund, and all moneys which shall be obtained from other sources or by other means devised for the increase of said fund by said board of trustees or with their consent.

§ 3. The boards of education of the city of Troy and union free school district number one of the town of Lansingburgh, in making payrolls of the superintendent, supervisors, principals and teachers hereinbefore mentioned shall deduct from each and every payroll said one per centum from each and every amount payable in the period covered by the said payroll, and shall certify the amount of said deductions and the names of the persons from whose salaries such deductions have been made; and such certificates shall accompany the payroll, and a warrant for the amount of the deductions so certified shall be drawn payable to the city comptroller, and shall be deposited by him with the city treasurer who shall retain the same, subject to the disposal of said board of trustees, as hereinafter provided.

§ 4. The comptroller of said city shall be the custodian of said fund and the city treasurer shall be the treasurer thereof; and all orders made payable from this fund shall be made upon the vote of said board of trustees. Said orders to be signed by its president and countersigned by the city comptroller and the city treasurer.

§ 5. The boards of education of the city of Troy and union free school district number one of the town of Lansingburgh shall have power, within their respective jurisdictions, on the recommendation of said board of trustees, to retire from service to become an annuitant under this act, any superintendent, supervisor, principal or teacher of the public schools of said city or of said union free school district who shall have served in such capacity or capacities for an aggregate period of thirty years, provided that not less than fifteen years of such service shall have been rendered in the public schools which are now or hereafter may be located within the boundaries of said city of Troy, or any such superintendent, supervisor, principal or teacher who is mentally or physically incapacitated for the performance of duty and who has been engaged in the work of superintending, teaching or supervising for a period aggregating twenty years, not less than fifteen years

of which shall have been in the public schools which are now or hereafter may be located within the boundaries of said city. Any superintendent, supervisor, principal or teacher in the public schools of said city or union free school district number one of the town of Lansingburgh, who shall have served in such capacity or capacities for a period of thirty years, or who is mentally or physically incapacitated for the performance of duty and who has been engaged in the work of superintending, teaching or supervising for a period aggregating twenty years may, with the consent of such board of education, retire from service to become an annuitant under this act, provided that not less than fifteen years of such service shall have been performed in the public schools which are now or hereafter may be located within the boundaries of said city of Troy. Any person retired after twenty years of service but with less than thirty years of service, shall receive an annuity which bears the same ratio to the annuity provided for on retirement for thirty years of service as the total number of years of service of such person bears to thirty years.

§ 6. The said boards of education of the city of Troy and union free school district number one of the town of Lansingburgh, shall have power within their respective jurisdictions, to retire from service to become an annuitant under this act any superintendent, supervisor, principal or teacher who shall have served in such capacity or capacities for an aggregate period of thirty-seven years, provided that not less than fifteen years of such service shall have been rendered in the public schools which are now or hereafter may be located within the boundaries of the city of Troy, and also provided that at the time of such retirement the retirement fund herein created shall be adequate to pay the full annuity to which such annuitant shall be entitled. Any such superintendent, supervisor, principal or teacher who shall have served in such capacity or capacities for an aggregate period of thirty-seven years may voluntarily retire from such service to become an annuitant under this act, provided that not less than fifteen years of such service shall have been rendered in the public schools which are now or hereafter may be located within the boundaries of the said city of Troy.

§ 7. Annuities paid in pursuance of this act shall be one-half of the amount of the annual salary of the annuitant at the time of retirement from service, except as provided in section five of this act, and except that no annuity shall be more than six hundred dollars annually; but if the moneys at the disposal of the trustees

of said fund be found at any time inadequate to fully carry out the provisions hereinabove mentioned, the trustees shall then distribute said moneys pro rata to the persons entitled to participate in said fund, and such distribution shall be in full of all annuities then due.

§ 8. No person who shall retire or be retired to become an annuitant under this act shall be entitled to such annuity unless and until such person shall have contributed to the teachers retirement fund in pursuance of subdivision (b) of section two of this act, or in cash or by accumulation of the annuity to which such person would otherwise be entitled, or by either or all of such methods, an amount equal to at least twenty per centum of his or her annual salary at the time of retirement. All annuities provided for by this act shall be payable in monthly instalments.

§ 9. No annuity shall be paid from the teachers retirement fund until September first, nineteen hundred and six; but any person duly qualified who shall retire or be retired from service before that time, and after this act shall take effect, shall not be deemed to have forfeited the right to become an annuitant under the provisions of this act.

§ 10. If at any time a superintendent, supervisor, principal or teacher shall be dismissed for cause before the time when he or she would, under the provisions of this act, be entitled to an annuity, then said person shall be paid back, without interest, all the money which may have been deducted from his or her salary in pursuance of subdivision (b) of section two of this act.

§ 11. The said board of trustees shall annually render to the comptroller of the city of Troy a full account of the condition of the teachers retirement fund, its amount, the manner of its investment and all receipts and disbursements on account of said fund during the year, and said comptroller shall include said statement in his annual report.

§ 12. This act shall take effect immediately.

Chap. 306.

AN ACT to amend chapter eight hundred and sixteen of the laws of eighteen hundred and ninety-five, entitled "An act enlarging and modifying the powers of town officers in towns within counties having over three hundred thousand inhabitants, and providing for the public improvements within such town, excepting the counties of New York and Kings."

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter eight hundred and sixteen of the laws of eighteen hundred and ninety-five, entitled "An act enlarging and modifying the powers of town officers in towns within counties having over three hundred thousand inhabitants, and providing for the public improvements within such town, excepting the counties of New York and Kings," is hereby amended so as to read as follows:

§ 1. In each town in this state having a population of three thousand or upwards, situate within a county having a population of three hundred thousand or upwards, excluding New York and Kings counties, and adjoining a city having a population of over two hundred and fifty thousand inhabitants, the number of such inhabitants in each instance to be ascertained by reference to the latest state enumeration, the supervisor, town clerk, justices of the peace and commissioner or commissioners of highways are hereby constituted a board and vested with the powers herein specified, and shall continue to have and exercise such powers until the legislature shall otherwise direct.

§ 2. Section thirteen of said statute is hereby amended so as to read as follows:

§ 13. The said board shall have power, subject to the limitations and restrictions herein prescribed, to lay out, open, design, construct and maintain and alter sewers and drains, for the benefit of the town; to locate, lay out, open, construct, alter, regulate, grade, regrade, pave, repave, curb, repair and macadamize or otherwise improve new highways, as well as the highways at present within such town; to lay sidewalks and crosswalks, and put up street signs; to construct, maintain, extend, repair and

regulate water-works, wells, reservoirs or basins for the purpose of supplying the inhabitants of such town, or of any portion thereof, with pure and wholesome water for domestic and sanitary uses, and for protection against fire, and to that end to lay mains and conduits, and erect hydrants in public highways and avenues of such town; to make and preserve in the office of the town clerk surveys, maps, plans, estimates and drawings relating to the laying out, designing or improving of streets, avenues, roads, sewers and water-works; to enact ordinances, to define and prevent disorderly conduct; to prevent all disorderly assemblages; all disturbing noise in public places; to prevent all unsafe construction or condition of chimneys, flues, stoves, pipes, and other things used for or conducting smoke; to compel the cleaning of them and to regulate their construction and condition; to prevent the deposit of ashes in unsafe places and receptacles; regulate and prevent the use of fireworks and firearms in the town; to prevent bonfires in the streets and public grounds; to require fire-escapes to be placed upon buildings more than two stories in height; to license and regulate plumbers, hucksters, peddlers, junk dealers, pawnbrokers, and the business of pawnbrokerage, and to fix the fees to be charged by pawnbrokers, in their business; to regulate the running at large of dogs and to license the same; to prohibit, license, and regulate public billiard rooms, bowling alleys, and exhibitions of* shows of every kind, and of theatrical representations; to prescribe the terms and conditions on which licenses shall be granted; to prevent and abate nuisances; to regulate and prohibit public and private pumps, wells, hydrants, and reservoirs, and the use of them; to locate, regulate and remove slaughter houses and unwholesome and noisome buildings or places, and to compel the cleaning of the same whenever necessary; to regulate the construction of private and public sewers, sinks, and privies; to prevent the adulteration of any article used for food or drink and to provide for the inspection thereof by the health department of said town, and such other and further ordinances not inconsistent with the laws of the town, the protection of its property; the preservation of peace and good order, the preservation of health, the prevention and extinguishment of fires; the protection and control of the public streets, avenues and highways, drains, ditches, sidewalks, and crosswalks, within such town; and to prescribe penalties for the violation of such ordinances and to maintain actions at law for the recovery of such penalties by legal proceedings in the name

* So in original.

of and on behalf of the town, but not to exceed two hundred dollars shall be recoverable for any single violation of such rules and regulations, and the justice's court of the justices of the peace in such towns shall have jurisdiction to hear, try and determine complaints for the violation of said ordinances, and to impose fines equal to the penalty prescribed by said ordinances for violations of the same, and to commit any person convicted of a violation of said ordinances to the jail of Erie county in case of default of payment of the fine imposed for such violation for a term not exceeding one day for each and every dollar of such fine. Ordinances which the board may adopt shall be published in the official paper before they shall go into effect and shall take effect ten days after the date of such publication. The certificate of the town clerk shall be prima facie evidence of the adoption and publication of all such rules and regulations.

§ 3. Section thirty-two of said statute is hereby amended so as to read as follows:

§ 32. The expense of an improvement shall include the cost of surveys, estimates, printing, interest on moneys borrowed, legal expenses, and all other expenses or outlays which may be occasioned by reason of the improvements.

§ 4. Section forty-three of said statute is hereby amended so as to read as follows:

§ 43. When the board shall have determined to make any improvement and entered into a contract for the same, or have made an order authorizing the board to make the same, they shall cause a complete statement in detail of all expenses of the improvement to be made and entered in their minutes and published with their proceedings; and no note, certificate of indebtedness or bond shall be issued on account of such improvement for any greater amount whatsoever than the actual cost of the improvement, as the same shall be specified and set forth in the said statement. And thereupon the board shall direct the board of assessors to make an assessment-roll on account of the improvement. It shall thereupon be the duty of the board of assessors to prepare such roll, which shall contain a description of each lot or parcel of land so that the same may be ascertained and identified by such description, the name of the reputed owner thereof; if it is a frontage assessment, the number of lineal feet of frontage or bounds of the parcel of land upon the improvement; if an assessment where the expense is apportioned on the basis of benefits received by each parcel and not upon the frontage, then specifying the proportional

part of the amount assessed which each parcel should pay, and in separate columns set down the amount of the said assessment which must be paid in each year, under headings specifying the day and year when the same becomes payable. In case of assessments for the construction of general sewers, all property within the sewer district shall be included in the assessment. In other cases where the assessment is made upon the basis of benefits and not on the basis of frontage, the board shall define the territory to be included by the board of assessors in the assessment-roll.

§ 5. Section forty-four of said statute is hereby amended so as to read as follows:

§ 44. The board of assessors shall file the assessment-roll, when complete, with the town clerk, and thereupon it shall be the duty of the board to cause notice to be published in the official paper that the said assessment-roll has been completed, and that at a time and place to be specified therein, the board will meet and hear and consider any objection which may be made to the said roll. Said notice shall be published in the official paper. The first publication thereof shall not be less than ten nor more than twenty days before the time to be specified therein for the hearing. At the time and place to be so specified, the board shall meet and hear and consider any objections to the assessment-roll, and may change or amend the same if they deem it necessary or just to do so, and may affirm and adopt the same as originally proposed or as amended or changed, or they may annul the same and order the board of assessors to proceed anew and prepare another roll; in which case, when completed and filed, they shall proceed to give notice and hear and consider objections as in the first instance, and shall possess the same powers as in the first instance to review, correct, amend and affirm the roll.

§ 3. Said statute is hereby further amended by adding a new section to be known as section fifty-three-b, as follows:

§ 53-b. The town board shall cause maps of said town to be made, showing the several parcels of land therein and the various subdivisions thereof, and the same shall be filed in the office of the town clerk. Whenever there shall be presented to the town clerk a deed of conveyance of lands in said town, he shall note the same upon the said maps by placing the name of the grantee therein upon the map of the particular parcel of land conveyed, and he shall note upon every such deed of conveyance, presented to him, the fact of such presentation, and he shall be entitled to receive

therefor, from the grantee a fee of twenty-five cents, such maps and the entries made thereon by the town clerk shall be considered and treated as a part of the assessment-rolls of said town, in ascertaining the description of lands assessed upon said assessment-rolls. If the county clerk shall record any deed of conveyance of lands in the town, which shall not have been marked by the town clerk as provided by this section, he shall forfeit to the town the sum of ten dollars for each offense, but nothing herein contained shall affect the record of any unmarked deed.

§ 7. This act shall take effect immediately.

Chap. 307.

AN ACT to amend section six of chapter five hundred and forty-six of the laws of eighteen hundred and eighty-one, entitled "An act in relation to the New York christian home for intemperate men and to increase its powers," relative to the board of trustees.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six of chapter five hundred and forty-six of the laws of eighteen hundred and eighty-one, entitled "An act in relation to the New York christian home for intemperate men and to increase its powers," is hereby amended so as to read as follows:

§ 6. The said corporation shall be capable of taking by purchase, gift, devise or bequest and holding any real or personal property for the uses of said corporation and of mortgaging and conveying any such real or personal property. It may so take and hold real estate to the value of two hundred thousand dollars. The board of directors shall devote the property of the corporation, and the income thereof, to the purposes named in this act and the real estate held by the corporation shall not be liable for any future debt or obligation, unless the same shall have been contracted with the approval of the said board of directors.

Chap. 308.

AN ACT to legalize the issue and sale of bonds of the village of Wellsville, Allegany county, for the purpose of raising money for paving streets, and authorizing the payment of such bonds.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the actions and proceedings of the board of trustees of the village of Wellsville in the county of Allegany relating to the issuance and sale of the bonds of said village amounting to the sum of twenty-nine thousand nine hundred and sixty-three dollars and fifty-five cents for the purpose of raising funds to pave certain streets in said village, and providing for the payment of said sum, with interest, in equal annual instalments commencing on the first day of March, nineteen hundred and eleven, done and performed prior to the passage of this act, are hereby in all things legalized, ratified and confirmed; and the said bonds, and each and all of them, are hereby declared to be legal and valid obligations of said village to be paid at the time and in the manner in such bonds provided, and the said village of Wellsville is hereby authorized and empowered to raise annually by levy and collection of taxes, at the time and in the manner that other village taxes are levied and collected, such sums as shall be sufficient to pay the principal and interest of such bonds as the same shall become due and payable. In case the sale of said bonds heretofore made is, for any reason, not consummated, the said village board is hereby authorized and empowered to readvertise the said bonds for sale and to sell said bonds in the manner provided in the village law for the sale of village bonds and such resale shall have all the force, validity and effect of a sale made in compliance with the provisions of such village law.

§ 2. This act shall not affect any action or proceeding now pending in any court.

§ 3. This act shall take effect immediately.

Chap. 309.

AN ACT to amend chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica" relative to the office hours of the city treasurer.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nineteen of chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica" as amended by chapter twenty-eight of the laws of eighteen hundred and seventy, as amended by chapter three hundred and seventy-one of the laws of eighteen hundred and seventy-six, as amended by chapter seventy-three of the laws of eighteen hundred and eighty-three, and as amended by chapter one hundred and forty-nine of the laws of nineteen hundred and two, is hereby amended so as to read as follows:

§ 19. The treasurer shall have and keep his office in the city hall, and keep therein all books, papers, records and assessments belonging thereto and under his official control. It shall be the duty of the treasurer to keep his said office open and be therein from nine o'clock ante meridian, until three o'clock post meridian, daily, (Sundays and holidays only excepted). He shall receive all moneys belonging to the city and keep an accurate account of all receipts and expenditures so as to exhibit the amount paid under each particular class of purposes for which moneys shall be raised. He shall deposit and keep all moneys belonging to the city or that shall come to his hands in such one of the banks in said city as will pay the highest rate of interest, not exceeding six per centum for such deposits for the use of the city, and will give security for the payment of such deposits to be approved by the common council, and will also agree to loan to the city, when required by the common council all such sums of money as the common council may be authorized to borrow under the provisions of this act. All temporary loan or other bonds may, nevertheless, be sold or disposed of as the common council may direct or as otherwise required by law. The treasurer shall deposit in said bank all moneys received by him within forty-eight hours after their receipt, and for a failure or neglect to comply with this provision,

shall be liable to be removed from office and be deemed guilty of a misdemeanor. All moneys shall be drawn from him in pursuance of a resolution of the common council by warrants specifying for what purpose they are drawn, signed by the clerk and countersigned by the mayor. He shall, fifteen days before the annual city election, in each year, present to the common council and file with the clerk an account of all receipts and disbursements since the date of the last report, and a statement of the financial condition of the city, a synopsis of which shall be published in the official newspapers at least ten days before such election. He shall perform such other duties as this act may require, and such as the common council may prescribe.

§ 2. Section fifty of chapter eighteen of the laws of eighteen hundred and sixty-two, entitled "An act to revise the charter of the city of Utica" and the several acts amendatory thereof, is hereby amended so as to read as follows:

§ 50. Upon receiving the tax lists the treasurer shall cause notice to be published in the official newspapers once in each week for three successive weeks that they have been left with him, and that he will be ready at his office from nine o'clock in the forenoon until three o'clock in the afternoon of each day, except Sundays and holidays, for one month ensuing the first publication of such notice, to receive payment of the taxes thereon, and that persons paying their taxes within that period will be charged no commission for the collection thereof. The treasurer shall for one month after the first publication of such notice attend daily at his office from nine o'clock in the forenoon until three o'clock in the afternoon, excepting Sundays and holidays, to receive taxes on such list, and no commission for collections shall be charged on taxes paid within that period. Upon receiving any tax, the treasurer shall write paid opposite to it, in a column prepared for the purpose, and shall give the person paying a receipt therefor, and keep a check list of all receipts so given.

§ 3. This act shall take effect immediately.

Chap. 310.

AN ACT to amend chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, entitled "An act to incorporate the village of Mohawk," relating to the creation of a board of cemetery commissioners in the village of Mohawk.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision seventeen of section seventeen of chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, entitled "An act to incorporate the village of Mohawk," is hereby amended to read as follows:

17. To appoint four commissioners who shall constitute a separate board of commissioners, vested with the care, management and control of the cemetery of the village of Mohawk which board so created shall be styled the "cemetery commissioners of the village of Mohawk." Each of the commissioners so appointed shall be at the time of his appointment and during his term of office a lot owner in said cemetery, a resident taxpayer and qualified elector of said village and not the incumbent of any other village office; and they shall be so appointed that not more than two of such commissioners in office at any one time shall be members of the same political party. They shall hold office from the date of their appointment until the first day of March next ensuing and for one, two and three years thereafter and their respective terms of office shall be designated by the board of trustees at the time of making first appointment under this act. Thereafter it shall be the duty of the board of trustees to appoint, during the month of February of each year, a commissioner to succeed the one whose term of office expires on the first day of March following, and such appointee shall hold office for the term of four years from the first day of March next ensuing his appointment; if, however, the board of trustees shall fail to so appoint during the month of February, the commissioner whose term of office expires on the first day of March next ensuing shall continue to hold office until his successor is appointed and has qualified, but the office shall be deemed vacant for the purpose of appointing his successor, and such appointment may be made at any time thereafter for the balance of the unexpired term. Each commissioner, before entering

upon the duty of his office, shall take and file with the village clerk the oath of office prescribed by the constitution of the state of New York. The commissioners so appointed shall, as soon after their said appointment as practicable, convene at the office of the board of trustees in said village and organize themselves as the board of cemetery commissioners of the village of Mohawk by designating one of their number to preside at their meetings and act as the president of the board who shall be empowered to call special meetings whenever he shall deem it necessary, or when he shall be requested so to do by any two commissioners. In the absence of the person so designated to be president, or in case of his inability to act, the commissioner having the shortest time to serve shall preside at the meetings of the board and otherwise perform all the duties of its president. Three of said commissioners shall constitute a quorum, and the concurrence of at least three commissioners shall be necessary for the transaction of any business and no resolution shall be adopted or other action taken unless three commissioners present at the meeting shall vote affirmatively therefor. They shall also designate at such first meeting one of their number to be the secretary and treasurer of the said commission whose duty it shall be to keep accurate and correct minutes of all the proceedings of the said commissioners; to keep in his custody and properly preserve all books, records, maps and papers appertaining to the said commission and the cemetery of which they are in charge; to give reasonable notice to each of said commissioners of any general or special meeting at the request of the president of said commission, or any other two commissioners; to receive and collect all moneys paid, or to be paid, for lots sold, and to execute and deliver to the purchaser thereof a proper deed of conveyance upon receiving the price therefor as fixed and specified by the said commission; to receive and collect all assessments levied upon lots in the said cemetery; to keep an accurate statement of all the receipts and disbursements of the said commission and to turn over to the treasurer of the village of Mohawk all sums of money which he shall have received by virtue of his said office, together with a statement of the source or sources from which it was received as often as the said treasurer of the village shall require. And he shall, if required by the board of trustees, execute and file with the village clerk a bond with one or two sureties approved by the said board of trustees and conditioned upon his promptly turning over all village funds which shall come into his hands and faithfully performing the

duties of his said office. The commissioners so appointed when they shall have organized as the cemetery commissioners of the village of Mohawk shall be vested with the control, management and supervision of the village cemetery and all extensions thereof and they shall hold legal title to all such cemetery lands with their appurtenances and all other property belonging thereto in trust for the said village. They shall be empowered to acquire by purchase, gift or devise additional lands for burial purposes as they may deem necessary, provided they have sufficient funds for the purpose and may receive and hold in trust any gift, devise or bequest of money or other property for the purpose of using the avails and earnings thereof in caring for and keeping in repair any lots or portions of the said cemetery in the manner provided for and with the view of fulfilling the purpose of the said gift, devise or bequest. All moneys so received may be invested by them as they deem best unless specifically directed by the terms of the grant. It shall be the duty of the clerk of the board of trustees immediately upon the adoption by said board of a resolution fixing the time within which the trustees shall complete the village assessment-roll to file with the clerk of the cemetery commission a copy of such resolution. The commissioners shall thereupon, and within the time limited by such resolution, make and file with the village clerk a statement of the estimated revenues and expenditures for the then current fiscal year on account of the said cemetery, setting out briefly the items thereof, and if the amount of expenditures shall exceed the amount of revenues, as so estimated, it shall be the duty of the board of trustees to incorporate in their annual tax budget and raise by tax and appropriate for the specific purpose of meeting such deficiency the sum estimated in such statement to be necessary for that purpose, except that said commissioners shall not be empowered to expend, exclusive of receipts from all sources nor shall the board of trustees raise by tax and appropriate a sum in excess of five hundred dollars in any one fiscal year unless it be by authorization of a majority of the qualifying electors voting on the appropriation duly submitted by the board of trustees, and which it shall be the duty of said board of trustees to submit upon the request of said cemetery commissioners and twenty-five electors of said village who are the owners of real estate assessed as such upon the last preceding assessment-roll of said village, which said request shall be by a petition in writing. All moneys appropriated, raised, or in any manner acquired for cemetery purposes shall be deposited by the

treasurer of the village in such bank or place of deposit as the board of trustees may direct as a separate cemetery fund and may only be withdrawn or paid out by said treasurer upon the audit and order of the cemetery commissioners certified to him by a written order signed by the clerk of such commission and countersigned by its president which shall specify the names of the persons to whom and the amount of money to be paid, together with a statement of the purposes for which said payment is made, and it shall be the duty of the village treasurer upon the audit and order of said commission to pay to the person as in the order directed the sum of money specified. It shall be the duty of said cemetery commissioners to cause to be made and keep on file a map of the cemetery or cemeteries of the village of Mohawk upon which shall be plainly indicated the division of said lands into lots or plats with the avenues, paths, lots, walks and ornamental plats, each lot or plat held for sale being designated by its number upon said map and there shall be made and filed therewith a schedule of the prices for which each of the said lots shall be sold. The said map or maps and schedule or* prices shall be publicly displayed in the office of the board of trustees and shall at all reasonable times be open to the inspection of any person; and it shall be the duty of the commission to sell and convey to any person desiring to purchase any lot or plat so offered for sale at any* for the price set upon it in the said schedule, but the said commission may at its option refuse to sell more than one lot or plat to any one person. The said commission may at any time resurvey and lay out any portions of the said cemetery not conveyed or sold, but shall not change or resurvey any portion of said cemetery which has been sold and conveyed or in any way change any of the boundary lines of lots or plats so sold without the consent in writing of all the persons interested in any of the lots affected. The conveyance to any person of a lot in the said cemetery shall confer upon the purchaser the right to hold and use the same for the purpose of burials simply and shall always remain and be indivisible and inalienable and be held in perpetuity by the grantee and his heirs at law, or such class as he may designate in the said conveyance, to inherit. An heir may release an heir, or joint owner may release to other heirs or joint owners, his interest in any such lot by an instrument in writing filed with the clerk of the commission, but no owner or person entitled to the use of any lot for burial purposes shall convey his interest to any other per-

* So in original.

son or persons, except to other joint owners or heirs as hereinbefore specified without the consent of the said commission and any instrument of conveyance purporting to transfer or assign the use of any lot without the consent of the commission shall be null and void and shall not confer upon the grantee therein named any right or interest to the use thereof for burial purposes. Each deed of conveyance shall be recorded at length by the clerk of said commission in a book to be provided and preserved for that purpose and the said clerk shall be entitled to a fee of ten cents for each folio or fractional part thereof so recorded to be paid by the purchaser. If any cemetery lot shall be owned by more than one person nobody shall be buried therein without the consent of all the owners of said lot, except it be the body of a person who at the time of death was an owner or part owner in said lot, or a direct descendant, husband or wife or an owner and a body once lawfully buried shall not be removed or disinterred except by consent of the cemetery commission which shall be granted only upon the request of all the persons most nearly related to the person whose body is sought to be removed. The said commissioners may make and adopt all necessary or reasonable rules and regulations for the use, care, management and protection of the said cemetery and all lots, plats and parts thereof; and regulate the dividing lines and markers between the various lots and plats and the mode, manner and location of structures thereupon; to provide for restraining the erection of unsightly, unhealthful or improper monuments, effigies and structures within the cemetery grounds and to remove or compel the removal thereof; to regulate the introduction and care of plants, trees, shrubs and flowers; to prevent the burial of a body not entitled to burial therein and to regulate all burials and disinterments; to provide for the conduct of persons while within the said grounds and the exclusion therefrom of improper persons or assemblages; and jointly to enact all such regulations as may be reasonable and essential to the proper conduct and care of the cemetery. All such rules and regulations shall be plainly printed and posted in conspicuous places throughout the said cemetery grounds and when so posted shall be deemed to be brought to the notice of all persons and to be and become forthwith in full force and effect and the said commission may prescribe penalties for the violation of any rule or ordinance not to exceed twenty-five dollars for each violation which the said commission may recover in an action brought by them in the name of the village against the persons who have been guilty of violations. A record shall be

kept of every burial in the said cemetery in a proper and substantial book furnished for that purpose in which shall appear the date of the burial, the name, age and place of birth of the person buried, or as many of these particulars as can be obtained, together with the number of the lot and the particular part or location therein where said burial was made. For the purpose of keeping the grounds and lots in said cemetery in good order and maintaining or building or keeping in repair the fences, walks and structures therein and beautifying the said cemetery by the planting and preservation of trees, shrubs and such ornamental structures as may be deemed desirable, the said cemetery commissioners may levy and impose a tax upon the lots and parts of lots and the owners thereof which shall not, however, exceed in any one year the sum of five mills per each square foot of ground contained in the lot assessed. The commissioners shall give notice to the owners of said lots of the assessment so made and levied by mailing to each of said owners a notice of said assessment prepaid and addressed to each of the said owners at his last known place of residence, or postoffice address, and if an owner or his place of residence or postoffice address be unknown or incapable of ascertainment by reasonable diligence such notice may be given by publishing the same in the official village paper addressed to the said owner where his name is known or the owner of the lot by number where his name cannot be ascertained, and the notice so served or posted shall specify the lot number assessed, the amount of the assessment, and specifying the time within which, not less than twenty days from the date of said mailing or publishing, within which the said assessment is required to be paid to the treasurer of the commission. When the amount of assessments levied, due and unpaid upon any lot shall equal or exceed the sum of five dollars the said commission shall have power and authority to sell any portion of the said lot upon which there has been no interment, at public auction by giving notice of said sale ten days in advance thereof by publishing such notice in the official village paper and also mailing a copy thereof to the lot owner if his name be known, addressed to his last known place of residence or postoffice address, if it be capable of ascertainment and if at the date set for such sale the whole amount of assessments levied and due shall not have been paid, the said lot or aforesaid portion thereof may on the date specified in said notice, or any other day to which said sale may be adjourned, be sold by the said commission at public auction to be held at the office of the board of trus-

tees to the person offering to pay therefor the best cash price. The said commission may however bid at the said auction sale for and in behalf of the village of Mohawk and shall in no case allow any lot or portion thereof to be sold to any purchaser other than themselves for a sum less than the total amount of the assessment levied and unpaid upon the said lot. Upon the expiration of eight months from the date of such sale, if said lot or portion thereof is not redeemed as hereinafter provided, the clerk of the commission shall prepare, execute and deliver to the purchaser thereof a deed of the said lot or portion thereof so sold, reciting the said auction sale and name of the successful bidder or other person in whose favor he shall desire to bid to be made and the price paid therefor and the said lot or said portion thereof so sold shall thereupon become and be the property of the said purchaser, or other persons specified in the deed in all respects as if he had been the original owner or purchaser thereof. It is hereby provided however that the person owning such lot or such portion thereof before the said sale, shall at any time within eight months after such sale have the right to redeem the lot or the portion thereof so sold, by paying to the treasurer of the commission the amount bid upon such sale with twelve per centum interest thereon from the date of the sale of said lot or portion thereof to the time of said payment, together with the necessary disbursements of such said sale. In case said lot or said portion thereof shall be so redeemed the money so paid for such redemption, excepting said expenses of sale, shall be paid over by said treasurer, on demand, to the person purchasing at said sale and thereupon such sale shall be of no effect. It shall be the duty of said cemetery commissioners during the month of February in each year to make a detailed report and statement of all moneys received and paid out by them, or by their order, specifying the sources of such receipts and the persons to whom payments were made and the purposes thereof. The said report shall be made as of the first day of February in each year and shall include all transactions comprised within the fiscal year, beginning on the first of February preceding to and including the last day of January succeeding, and said report shall be filed with the clerk of the board of trustees not later than the fifteenth day of February and it shall be the duty of said board of trustees during the month of February in each year to cause the said report to be published in the official village paper. Upon the organization of the said cemetery commission, it shall be the duty of the board of trustees to immediately turn over to said commissioners all books,

papers, records and property of every description pertaining and relating to the said cemetery together with the statement of any funds remaining in the hands of the village treasurer which have been appropriated or derived from any source other than for cemetery purposes, and the balance of such funds so remaining shall be set aside by the treasurer of the village of Mohawk as a separate and distinct cemetery fund which shall thereafter be paid out by him only upon the audit and order of the cemetery commissioners. It shall be the duty of the said trustees to appoint said commissioners within twenty days after this act goes into effect.

§ 2. Section ten of chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, as amended by chapter ninety-nine of the laws of eighteen hundred and ninety-four, is hereby amended to read as follows:

§ 10. All officers elected or appointed by virtue of this act, shall respectively hold their office, for one year, unless sooner removed, except the assessors, municipal commissioners and cemetery commissioners whose term of office shall be as in this act provided.

§ 3. Subdivision sixteen of subdivision twenty-four of section seventeen of chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, as amended by chapter ninety-nine of the laws of eighteen hundred and ninety-four is hereby amended to read as follows:

16. To prescribe the duties of all officers appointed by the trustees, except the duties of police constable, municipal commissioners and cemetery commissioners.

§ 4. Chapter four hundred and twelve of the laws of eighteen hundred and eighty is hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 311.

AN ACT to amend chapter two hundred and ninety-one of the laws of eighteen hundred and ninety, entitled "An act to authorize towns to raise additional money for highway purposes and to prevent snow blockade of highways by the substitution of wire for other fences along the same," in relation to raising and expending additional money in preventing snow blockades.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections three and four of chapter two hundred and ninety-one of the laws of eighteen hundred and ninety, entitled "An act to authorize towns to raise additional money for highway purposes and to prevent snow blockade of highways by the substitution of wire for other fences along the same," are hereby amended to read as follows:

§ 3. The commissioners of highways shall expend the money raised under the provisions of this act in the purchase of fence wire, in the same manner as other supplies for highway purposes are by law required to be purchased, and no part of such money shall be expended, except for the purchase of fence wire as aforesaid; and the said commissioners are hereby authorized to contract with the owners of the lands lying along the highways of their respective towns, at such points as are liable to snow blockade, for the removal of the fences now standing along the boundaries of such highways, and the replacing of such fences with wire fences. And they may contract to deliver to said land owners, fence wire to be used in the construction of such fences, without charge to said landowners, at the place of purchase, but they shall not agree to pay any part of the cost of the removal or construction called for by said contracts, or to make any payment to said landowners as a compensation for the construction of fences, or for posts. Provided, however, that in addition to any sum raised as aforesaid by authority of the town meeting, the town board may, without a vote of the town electors, raise and authorize the commissioners of highways to expend in each year the sum of not to exceed one hundred dollars for the purposes

specified in this chapter; and a tax for paying the same shall, upon an audit of the town board, be included in the annual levy for payment of other town charges.

§ 4. The fences to be built under the provisions of this act, shall be of not less than four strands of wire nor more than nine strands, in the discretion of the commissioners, with a substantial bar of wood at the top; and the construction of said fences, and the size of said top bars and of the posts and supports of said fences, and their distance apart shall be such as said commissioners shall prescribe. Whenever such fence or fences shall become so out of repair as to be dangerous to animals passing along the highways, it shall be the duty of the owner or owners of said fence or fences to immediately repair or remove the same.

§ 2. This act shall take effect immediately.

Chap. 312.

AN ACT to provide for the payment of the claim of James J. Buckley for labor performed and materials furnished in the construction of a public comfort building in the New York zoological park, in Bronx park, in the city of New York.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of the city of New York is hereby authorized, in its discretion, any statute or statutes to the contrary notwithstanding, to inquire into facts relative to the justice of the claim of James J. Buckley against the city of New York amounting to the sum of sixty-five hundred and fifty dollars for labor and materials furnished in the construction of a public comfort building in the New York zoological park, in Bronx park, in the city of New York, from the third day of October, nineteen hundred and five, to the eleventh day of January, nineteen hundred and six, through the department of parks in the city of New York. The said board in dealing with the matters aforesaid may treat the same as matters of fact without regard to the question of whether the said

labor and materials were legally done or ordered by the said city of New York; and if it shall appear to the satisfaction of the said board that the said labor and materials were actually furnished and were necessary in the construction of said public comfort building, the said board may certify to such facts in writing, together with a fair and reasonable value of the said labor and materials, not exceeding the sum of sixty-five hundred and fifty dollars, which certificate shall be filed in the office of the comptroller of the city of New York, and said comptroller shall thereupon pay, and is hereby authorized and empowered to pay the amount so fixed by the said board, with interest from the date of the last item of work to the date of the payment, out of any fund or funds in his hands available for that purpose, and if there be no unexpended balance available for that purpose, then the comptroller of the city of New York is hereby authorized and empowered to issue corporate stock or bonds of the said city of New York, as provided by law, in an amount sufficient to pay the sum of money awarded and certified by the said board of estimate and apportionment, with interest as aforesaid under the provisions of this act.

§ 2. This act shall take effect immediately.

Chap. 313.

AN ACT to amend chapter six hundred and forty-four of the laws of nineteen hundred and five, entitled "An act to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' relating to ward boundaries."

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. That part of section three of chapter six hundred and forty-four of the laws of nineteen hundred and five, entitled "An act to amend chapter one hundred and five of the laws of eighteen hundred and ninety-one, entitled 'An act to revise the charter of the city of Buffalo,' relating to ward boundaries," which defines the boundaries of the eighteenth, nineteenth,

twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth and twenty-fifth wards of said city, is hereby amended to read as follows:

EIGHTEENTH WARD.

Beginning at the intersection of the northerly boundary of the city and the center line of Delaware avenue; thence southerly along the center line of Delaware avenue to the center line of Scajaquada creek; thence westerly along the center line of Scajaquada creek to the westerly boundary of the state of New York, excluding any portion of Squaw island; thence northerly along the westerly boundary of the state of New York to the intersection of said westerly boundary and the northwesterly boundary of the city; thence northeasterly, southeasterly and easterly along the northerly boundary of the city to the intersection of the northerly boundary of the city and the center line of Delaware avenue, the place of beginning.

NINETEENTH WARD.

Beginning at the intersection of the center lines of Main street and Scajaquada creek; thence westerly along the center line of Scajaquada creek to the westerly boundary of the state of New York, including Squaw island; thence southerly along the westerly boundary of the state of New York to a point on the center line of Delavan avenue extended; thence easterly on the center line of Delavan avenue extended and the center line of Delavan avenue to the intersection of the center lines of Delavan avenue and Main street; thence northeasterly along the center line of Main street to the intersection of the center lines of Main street and Scajaquada creek, the place of beginning.

TWENTIETH WARD.

Beginning at the intersection of the center lines of Main street and Delavan avenue; thence southwesterly along the center line of Main street to the intersection of the center lines of Main street and Ferry street; thence westerly along the center line of Ferry street to the intersection of the center lines of Ferry street and Hampshire street; thence southwesterly along the center line of Hampshire street to the intersection of the center lines of Hampshire street and Albany street; thence westerly on the center line of Albany street and the center line of Albany street extended to the westerly boundary of the state of New York; thence northerly along the westerly boundary of the state of New York to a point on the center line of Delavan avenue extended;

thence easterly on the center line of Delavan avenue extended, and the center line of Delavan avenue to the intersection of the center lines of Delavan avenue and Main street, the place of beginning.

TWENTY-FIRST WARD.

Beginning at the intersection of the center lines of Main street and Ferry street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and North street; thence westerly along the center line of North street to the intersection of the center line of Richmond avenue; thence northerly along the center line of Richmond avenue to the intersection of the center lines of Richmond avenue and Connecticut street; thence southwesterly along the center line of Connecticut street to the intersection of the center lines of Connecticut street and Fifteenth street; thence northwesterly along the center line of Fifteenth street to the intersection of the center lines of Fifteenth street and Hampshire street; thence northeasterly along the center line of Hampshire street to the intersection of the center lines of Hampshire street and Ferry street; thence easterly along the center line of Ferry street to the intersection of the center lines of Main street and Ferry street, the place of beginning.

TWENTY-SECOND WARD.

Beginning at the intersection of the center lines of Connecticut street and Richmond avenue; thence southerly along the center line of Richmond avenue to the intersection of the center lines of Richmond avenue and York street; thence southwesterly along the center lines of York street and Porter avenue to a point in the westerly boundary of the state of New York on the center line of Porter avenue extended; thence northerly along the westerly boundary of the state of New York to a point on the center line of Albany street extended; thence easterly on the center line of Albany street extended, and the center line of Albany street to the intersection of the center lines of Albany street and Hampshire street; thence northeasterly along the center line of Hampshire street to the intersection of the center lines of Hampshire street and Fifteenth street; thence southeasterly along the center line of Fifteenth street to the intersection of the center lines of Fifteenth street and Connecticut street; thence northeasterly along the center line of Connecticut street to the intersection of the center lines of Connecticut street and Richmond avenue, the place of beginning.

TWENTY-THIRD WARD.

Beginning at the intersection of the center lines of Main street and North street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and Tupper street; thence westerly and northwesterly along the center lines of Tupper street, Twelfth street, Maryland street, Cottage street and Plymouth avenue to the intersection of the center lines of Plymouth avenue and York street; thence northeasterly along the center line of York street to the intersection of the center lines of York street and Richmond avenue; thence southerly along the center line of Richmond avenue to the intersection of the center line of North street; thence easterly along the center line of North street to the intersection of the center lines of Main street and North street, the place of beginning.

TWENTY-FOURTH WARD.

Beginning at the intersection of the center lines of Main street and Tupper street; thence southerly along the center line of Main street to the intersection of the center lines of Main street and Niagara street; thence northwesterly along the center lines of Niagara street, Mohawk street, Wilkeson street and Seventh street to the intersection of the center lines of Seventh street and Porter avenue; thence northeasterly along the center lines of Porter avenue and York street to the intersection of the center lines of York street and Plymouth avenue; thence easterly and southeasterly along the center lines of Plymouth avenue, Cottage street, Maryland street, Twelfth street, and Tupper street to the intersection of the center lines of Main street and Tupper street, the place of beginning.

TWENTY-FIFTH WARD.

Beginning at the intersection of the center lines of Main street and Niagara street; thence southerly along the center line of Main street to the center line of Buffalo river; thence along the center line of Buffalo river to Lake Erie to a point in the westerly boundary of the state of New York opposite the mouth of Buffalo river; thence northwesterly along the westerly boundary of the state of New York to a point on the center line of Porter avenue extended; thence northeasterly on the center line of Porter avenue extended and the center line of Porter avenue to the intersection of the center lines of Porter avenue and Seventh street;

thence southeasterly along the center lines of Seventh street, Wilkeson street, Mohawk street, and Niagara street to the intersection of the center lines of Main street and Niagara street, the place of beginning.

§ 2. This act shall take effect immediately.

Chap. 314.

AN ACT to amend chapter seven hundred and twenty-four of the laws of nineteen hundred and five, entitled "An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interests therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters, and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects," generally.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section three of chapter seven hundred and twenty-four of the laws of nineteen hundred and five, entitled "An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interests therein and for the construction of the necessary reservoirs, dams, aqueducts, filters and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects," is hereby amended so as to read as follows:

§ 3. The board of estimate and apportionment upon the receipt of the said report or reports of the board of water supply may adopt, modify or reject the whole or any part of the same, and may cause such surveys to be made, and such further information to be obtained as it shall deem expedient to enable it to act intelligently in the premises. In case of the modification or rejection of the recommendations in said report or reports or any part thereof by the board of estimate and apportionment,

the board of water supply in like manner as aforesaid shall prepare and submit to the board of estimate and apportionment a further report or reports, surveys, maps, plans, specifications, estimates and investigations and make such changes and modifications as shall seem proper to the board of estimate and apportionment, and shall continue so to do under the direction of the board of estimate and apportionment, until a map, plan or plans covering the entire work contemplated by this act shall be approved and adopted by the board of estimate and apportionment. The said map, plan or plans may be made and adopted in parts or sections from time to time and may be changed or modified either before or after adoption as the board of estimate and apportionment may deem necessary for the more efficient carrying out of the provisions of this act. The board of estimate and apportionment prior to the adoption of such map, plan or plans, or to a modification thereof shall afford to all persons interested a reasonable opportunity to be heard respecting the same and shall give reasonable public notice of such hearing whereat testimony may be produced by the parties appearing in such manner as the board of estimate and apportionment may determine, and each member of the said board is hereby authorized to administer oaths and issue subpoenas in any proceeding pending before them under this act. Notice of such hearing shall be given in addition to the above provision by mailing to the chairman and clerk of the board of supervisors of the county where the real estate to be acquired is situated, a notice of such hearing at least eight days before the time named in said notice. A final map, plan or plans approved and adopted by the board of estimate and apportionment shall be executed in quadruplicate, one of which shall remain on file with the clerk of the board of estimate and apportionment, one shall be placed on file in the office of the board of water supply, one or a certified copy thereof shall be filed in the county clerk's office or register's office of each county in which any of the land affected thereby is situated, and one copy, or a certified copy thereof, shall be filed in the office of the commissioner of water supply, gas and electricity. Provided, however, that no reservoir, or other structure for the storage or impounding of water, shall at any time be constructed within the drainage area of the Esopus creek in the county of Ulster, other than that designated in the reports of William H. Burr, Rudolph Hering, and John R. Freeman to the Honorable George B. McClellan, mayor, chairman, board of estimate and appor-

tionment of the city of New York, as to the Ashokan reservoir, the flow line of which shall not exceed elevation six hundred feet coast and geodetic survey datum.

§ 2. Section eleven of said act is hereby amended so as to read as follows:

§ 11. On filing the said oath, in the manner provided in the previous section, the city of New York shall be and become seized in fee of all those parcels of real estate which are on the maps in the fifth section referred to described as parcels, of which it has been determined that the fee should be acquired; and may immediately or at any time or times thereafter take possession of the same or any part or parts thereof without any suit or proceeding at law for that purpose; provided however that before the city of New York takes possession of the same it shall pay to the respective owner or owners of each of said parcels of real estate, a sum of money equal to one-half the assessed valuation of said real property as the same appears upon the assessment-roll of the town in which the same is situate for the year nineteen hundred and five. Deposit of the money to the credit of, or payable to the order of the owner, pursuant to the direction of the court, shall be deemed a payment within the provisions of this section, and, thereupon, the board of water supply of the city of New York, or any person or persons acting under their or its authority may enter upon and use and occupy in perpetuity all the parcels of real estate described in said map for the purpose of constructing and maintaining on, in, under, or over the same, the said aqueducts, dams, and reservoirs, with the said blow-offs, sluices, culverts, bridges, tunnels, ventilating shafts, filters and other appurtenances, provided, however, that no buildings or improvements shall be removed or disturbed within one year from the date of the filing of the oaths of the commissioners unless notice is given to the owner of ten days, or to his attorney, of the intention to make such removal, and affording him an opportunity to examine the property with the commissioners and such witnesses as he may desire. If the owner of the property cannot be found with due diligence, and there is no attorney representing the said property or parcel, before removing, disturbing or destroying any of the buildings, or the improvements, the representative of the boards referred to in this act or of the corporation counsel shall cause measurements to be made of the buildings and photographs of the exterior views thereof, which measurements and photographs shall be at the disposition thereafter of the claimants, or their attorneys, in case such

claimants or attorneys should appear and demand the same before the case is tried.

§ 3. Section thirteen of said act is hereby amended so as to read as follows:

§ 13. The said commissioners shall prepare a report, and copies thereof as may be required to which shall be respectively annexed the fourth and fifth, and if required, the sixth copies of the map or maps referred to in the previous sections of this act. The said reports shall contain a brief description of the several parcels of real estate so acquired, taken or affected, with a reference to the map or maps as showing the exact location and boundaries of each parcel; a statement of the sum estimated and determined upon by them as a just and equitable compensation to be made by the city to the owners or persons entitled to or interested in each parcel so taken, or as to which any right, title, interest, privilege or easement is taken, acquired or extinguished; and a statement of the respective owners or persons entitled thereto, or interested therein, but in all and each and every case and cases where the owners and parties interested, or their respective estates or interests are unknown, or not fully known to the commissioners of appraisal, it shall be sufficient for them to set forth and state in general terms the respective sums to be allowed and paid to the owners of, and parties interested therein generally, without specifying the name of estates or interests of such owners, or parties interested, or any or either of them. Where loss, damage or expense, direct or consequential, has resulted to any duly incorporated railroad corporation, operating a steam railroad in any county in which land shall be acquired in pursuance of the provisions of this act, or by reason of any of the matters in this act involved, the board of estimate and apportionment of the city of New York, is hereby authorized and empowered to agree with such railroad corporation upon the compensation which shall be made to it for such loss, damage or expense, and, when so directed by the board of estimate and apportionment, the comptroller of said city shall issue corporate stock of the city of New York in payment thereof. In the event of no agreement being reached between said board and such railroad corporation, the commissioners of appraisal appointed to estimate damages for lands acquired in such county is hereby authorized and directed to pass upon such claim and to make awards therefor as provided in this act. They may also recommend such sums, if any, as shall seem to them proper to be allowed, to parties appearing in the proceeding, as expenses and disbursements including

reasonable compensation for witnesses. They may also determine and recommend what sums if any ought to be paid to the general or special guardian of an infant, idiot, or person of unsound mind, or to an attorney appointed by the court to attend to the interests of any known owner or party in interest who has not appeared in the proceeding, for expenses or counsel fees.

§ 4. Section seventeen of said act is hereby amended so as to read as follows:

§ 17. The city of New York shall, within three calendar months after the confirmation of the report of the commissioners of appraisal, pay to the respective owners and bodies politic or corporate, mentioned or referred to in said report, in whose favor, any sum or sums of money shall be estimated and reported by said commissioners, the respective sum or sums so estimated and reported in their favor respectively, with lawful interest thereon, from the date of filing the oath and certified copies thereof as by this act required, deducting therefrom all sums of money paid on account thereof as provided in section eleven of this act. And in case of neglect or default in the payment of the same within the time aforesaid, the respective person or persons or bodies politic or corporate in whose favor the same shall be so reported, his, her, or their executors, administrators or successors, at any time or times, after application first made by him, her, or them, to the comptroller of the city of New York for payment thereof, may sue for and recover the same, with lawful interest as aforesaid, and the costs of suit in any proper form of action against the city of New York, in any court having cognizance thereof, and it shall be sufficient to declare generally for so much money due to the plaintiff or plaintiffs therein by virtue of this act, for real estate taken or affected for the purpose herein mentioned, and the report of said commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded shall be conclusive evidence in such suit or action.

§ 5. Section thirty-one of said act is hereby amended so as to read as follows:

§ 31. The contracts, when so awarded, shall be executed in triplicate by the contractor or contractors on the one part and the board of water supply acting for the city of New York, on the other part. One of said originals shall be delivered to the contractor, and the other two shall be filed, one in the finance department and the other with the board of water supply. The work and materials called for by said contract shall be done and furnished

under the direction and supervision, and subject to the inspection of the board of water supply, its engineers, supervisors and inspectors. No contract shall take effect until the board of water supply or a majority thereof shall certify thereon in writing that its acceptance will, in their judgment, best secure the public interest and the efficient performance of the work therein mentioned. No contract shall take effect until the employer of labor to be engaged in the construction of any of the work in this act provided for, shall give to the municipality in which such labor may be employed, a bond in the penal sum of five thousand dollars conditioned to save harmless and indemnify such municipality against any loss, expense or charge that said municipality may legally incur because of paupers or indigent employees brought in said municipality and having no settlement therein such bond to be approved by the chief executive officer of such municipality.

§ 6. Section thirty-five of said act is hereby amended so as to read as follows:

§ 35. The city of New York is hereby required to build and construct such highways and bridges as may be made necessary by the construction of any reservoir under this act, and to repair and forever maintain such additional highway bridges; and in case any bridge or highway thus constructed shall cross any railroad, it shall do so above or below the said railroad and not upon the same level. It shall be the duty of the board of water supply of the city of New York, to provide proper police protection to the inhabitants of the localities in which any work may be constructed under the authority of this act and during the period of construction, against the acts or omissions of persons employed on such works or found in the neighborhood thereof; and to that end the said board is hereby authorized and required to appoint a sufficient number of persons to adequately police the said localities for the said periods. The said board shall also have power to remove such persons and to fix or change their compensation in its discretion, which compensation shall be paid upon a certificate of the said board, by the city of New York, as part of the expense authorized to be incurred by this act. The said board shall give to each person so appointed a certificate of appointment and certified copies thereof, one of which shall be filed in the office of the sheriff of each county in which any work shall be in process of construction under this act and in which said person shall be authorized to perform his duties. Each of said persons so appointed shall be and have all

the powers of a peace officer in the county where any work is being constructed under the authority of this act, and he shall at all times when on duty wear upon his clothing or have in his possession a shield or other suitable badge of authority which he shall at once exhibit to any person asking therefor. It shall be the special duty of the persons so appointed to prevent breaches of the peace and unlawful depredations and to arrest and bring before the proper magistrates persons employed on the said works or found in the vicinity thereof, who are guilty of offenses against the law punishable by death, imprisonment or fines, or persons whom they may have reasonable cause to believe to be guilty of any of such offenses. The sheriff of a county wherein a certificate of appointment of any such person as a peace officer is filed may cancel such certificate for cause, and shall immediately give notice in writing of such cancellation to the board of water supply of the city of New York, specifying the cause of such revocation. Such notice may be given by mail. On such cancellation the authority of such person as a peace officer shall immediately cease. Any expense necessarily incurred by a county, town or city in any criminal action or proceeding against any person employed on any work constructed or in process of construction under this act, or in the suppression of riots among persons employed on said work or in the prevention of the commission of crime by such persons, after being duly audited as required by law, shall constitute a claim in favor of such county, town or city against the city of New York, and an action may be maintained on such audit as for money paid to the use of the city.

§ 7. Section thirty-seven of said act is hereby amended so as to read as follows:

§ 37. The city of New York or its representatives, shall not enter upon any lands not taken in pursuance of this act, for the purpose of preserving streams or watercourses from pollution or contamination, or of moving or causing to be moved any buildings, improvements or edifices on the ground that the same may contaminate the water supply, without making a provision for just compensation to the owner of said buildings or improvements for the removal or destruction thereof.

§ 8. Section forty-one of said act is hereby amended so as to read as follows:

§ 41. It shall be lawful for any municipal corporation or other civil division of the state within the watersheds of Esopus creek,

the Rondout creek or the Catskill creek, in the counties of Ulster and Greene, at its own expense, to construct a pipe line or aqueduct connecting with any reservoir constructed therein under the provisions of this act, for the purpose of supplying water to such municipal corporation or other civil division of the state. The quantity of water that may be drawn by such municipal corporation or other civil division of the state from the said reservoir shall not exceed the proportionate quantity that is used by the city of New York, the proportion being calculated according to the number of inhabitants respectively of the city of New York and said municipal corporations or other civil divisions of the state as shown by the last preceding enumeration of the state of New York or the United States. The said municipal corporations or other civil divisions of the state shall pay to the city of New York a water tax or charge, founded upon the quantity of water consumed which rate or charge may be agreed upon between the board of water supply of the City of New York and the authorities of such municipal corporation or other civil division of the state or shall be fixed by the state water supply commission, which commission is hereby given power to fix such compensation after hearing all parties interested. In case any water shall be taken under the provisions of this act from the Esopus creek in the said county of Ulster, then and in that event and before any water shall be diverted from said Esopus creek, the city of New York shall, at the expense, cost and charge of the said city of New York and under a plan to be approved of by the common council and the city engineer of the city of Kingston, build, construct, reconstruct, alter or change the sanitary sewers of said city of Kingston known as the first and eighth ward sewers, the trunk sewer of which follows the general line of the Tannery brook in said city of Kingston and which now discharges or flows into the Esopus creek, so that the same shall discharge into the Hudson river or into the Rondout creek. The city of New York shall be liable for all damages of every name and nature which may result from the building, construction, reconstruction, alteration or changing said sewers, and shall also at the expense, cost and charge of the said city of New York, but in the name of the city of Kingston, acquire by purchase or by the condemnation proceedings provided for by this act, all rights in and over private lands in the said city of Kingston, which it may be necessary to acquire in order to build, construct, reconstruct, alter or change said

sewers. The city of New York in executing the said plan, may use for such purposes the public streets of the city of Kingston or any right of way or easement that the city of Kingston now has for the purpose of constructing or maintaining sewers.

§ 9. Section forty-two of said act is hereby amended so as to read as follows:

§ 42. The owner of any real estate not taken by virtue of this act and chapter seven hundred and twenty-three of the laws of nineteen hundred and five or of any established business on the first day of June, nineteen hundred and five, and situate in the counties of Ulster, Albany or Greene, directly or indirectly decreased in value by reason of the acquiring of land by the city of New York for an additional water supply or by reason of the the execution of any plans for such additional water supply by the city of New York under the provisions of this act and chapter seven hundred and twenty-three of the laws of nineteen hundred and five, their heirs, assigns or personal representatives shall have a right to damages for such decrease in value. The board of water supply of the city of New York may agree with such person as to the amount of such damages, and if such agreement cannot be made such damages, if any, shall be determined in the manner herein provided for the ascertaining and determining the value of real estate taken under the provisions of this act, and the commissioners shall not be limited in the reception of evidence to the rules regulating the proof of direct damages. And the amount of such damages so agreed upon as aforesaid or so determined as aforesaid shall be payable and collectible in the same manner as is herein provided in the case of awards made through the confirmation of a report of commissioners of appraisal. A person employed in a manufacturing establishment, or in an established business, or upon any lands and is not an owner or part owner thereof or of an interest therein, in the counties of Ulster, Albany and Greene, which manufacturing establishment, or established business is injured or destroyed, or which lands are taken or acquired under or because of the provisions of this act, who has been so employed continuously for six months prior to the first day of January, nineteen hundred and six, and who continues in such employment up to the time of such injury, destruction, taking or acquisition shall have a claim for damages against the city of New York equal to the salary paid such employee for the six months immediately preceding the first day of January, nineteen

hundred and six. Such damages may be determined by agreement with the board of water supply of the city of New York. In case such agreement cannot be made such employee may maintain an action against the city of New York in the supreme court to recover such damages, not however to exceed the sum of the wages paid him for the six months immediately prior to the first day of January, nineteen hundred and six.

§ 10. This act shall take effect immediately.

Chap. 315.

AN ACT to authorize the towns of Bethel, Thompson, Fallsburgh, Neversink, and Mamakating, in Sullivan county, to acquire by purchase or condemnation, the rights, franchises and property of any individual or corporation lawfully entitled to exact a toll or charge for walking, riding or driving over any plankroad or turnpike within said towns, and to provide means for the payment of the same, and repealing chapter forty of the laws of nineteen hundred and five relating thereto.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The towns of Bethel, Thompson, Fallsburgh, Neversink, and Mamakating, in the county of Sullivan, may, in the manner hereinafter provided, severally determine to acquire the rights, franchises and property, within the town so deciding, of any individual or corporation, lawfully entitled to exact a toll or charge for walking, riding or driving over any plankroad or turnpike, within said towns or either of them.

§ 2. Upon the petition of twenty of the resident taxpayers, whose names appear as such upon the last preceding assessment-roll, filed with the town clerk thirty days preceding any biennial town meeting, or filed at any time after a biennial town meeting and not later than four months prior to the next biennial meeting in case the petition prays for the calling of a special town meeting, hereafter to be held in said towns, or either of them, the town clerk shall prepare and submit to the electors thereof at the next biennial town meeting, or a special town meeting

to be called for the purpose, in the manner now provided by law, a resolution upon the question of whether such town shall acquire by purchase or condemnation, the rights, franchises and property within such town of any individual or corporation, lawfully entitled to exact a toll or charge for walking, riding or driving over any plankroad or turnpike wholly within such town, or wholly within two or more of such towns in pursuance of this act. Such resolution shall specify the maximum amount to be expended by the town in the acquisition of such franchises and property, and whether the expense thereof is to be met by one annual payment, or by the issue of bonds as hereinafter authorized, and if by the issue of bonds, the term of such bonds, and whether the same are to be paid by the town in one year, or by annual instalments to be specified in the resolution.

§ 3. If said resolution shall be adopted by a majority vote, the town board of such town is authorized to and shall acquire such rights, franchises and property within such town by purchase, if able to agree with the owners, and otherwise by condemnation, in the name of the town.

§ 4. Any turnpike or plankroad corporation may, by the affirmative vote of stockholders owning a majority of the stock thereof, expressed in writing, or at a special meeting of the stockholders of such corporation held upon written notice of at least ten days to all the stockholders thereof, authorize the board of directors or trustees, to dispose of the rights, franchises and property of such corporation within said towns, or either of them, pursuant to this act, for a specified sum; and thereupon the board of directors or trustees of such corporation may convey and sell such rights, franchises and property to the said towns, or such rights, franchises and property within any single town to such town, accordingly.

§ 5. The town board of said towns are hereby severally authorized to borrow money for the purpose of paying for such rights, franchises and property, and may issue bonds in the manner provided by law, or other evidence of indebtedness of the town therefor, but such bonds or other evidence of indebtedness shall not bear a rate of interest exceeding five per centum and shall not run for a longer period than twenty years, and shall not be sold for less than par.

§ 6. All turnpikes and plankroads acquired by said towns, or either of them, under the provisions of this act, shall be opened and maintained as free public highways, and shall become and

be a part of the highway system of each town in which any plankroad or turnpike or portion thereof so acquired is situated.

§ 7. Upon the acquisition by said towns, or either of them, of any plankroad or turnpike under the provisions of this act, the town board shall certify the cost thereof to the board of supervisors of Sullivan county and thereupon said board of supervisors are authorized and directed, to levy upon the taxable property in said county, in the same manner as other county charges are levied and collected, one-sixth of the cost thereof and pay the same, when collected, to the supervisor of such town or towns to be applied by him in the payment of the principal and interest on the indebtedness issued to pay for the same.

§ 8. Chapter forty of the laws of nineteen hundred and five is hereby repealed.

§ 9. This act shall take effect immediately.

Chap. 316.

AN ACT to amend the labor law, in relation to cash payment of wages.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended to read as follows:

§ 9. **Cash payment of wages.**—Every manufacturing, mining, quarrying, mercantile, railroad, street railway, canal, steamboat, telegraph and telephone company, every express company, and every water company, not municipal, and every person, firm or corporation, engaged in or upon any public work for the state or any municipal corporation thereof, either as a contractor or a subcontractor therewith, shall pay to each employee engaged in his, their or its business the wages earned by such employee in cash. No such company, person, firm or corporation shall hereafter pay such employees in script, commonly known as store money-orders. No person, firm or corporation engaged in carrying on public work under contract with the state or with any municipal corporation of the state, either as a contractor or subcontractor therewith, shall, directly or indirectly, conduct or carry on what is commonly known as a company store, if there shall, at the time be any store selling supplies, within two miles of the place where such contract is being executed. Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor.

§ 2. This act shall take effect immediately.

Chap. 317.

AN ACT to amend chapter fourteen of the laws of eighteen hundred and eighty, entitled "An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and to consolidate therewith the several acts in relation to the charter of said city."

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and sixty-five of chapter fourteen of the laws of eighteen hundred and eighty, as amended by chapter five hundred and forty-three of the laws of nineteen hundred and five, is hereby amended so as to read as follows:

§ 265. All cases involving the commitment or trial of children actually or apparently under the age of sixteen years for any violation of law or ordinance before the police justice or police court of the city of Rochester, shall be heard and determined in a separate courtroom, to be known as the children's courtroom, and separate and apart from the trial of other criminal cases, of which session a separate docket and record shall be kept. Whenever a child actually or apparently under the age of sixteen years is taken into custody in the city of Rochester, such child shall be arraigned in the children's courtroom and shall not be taken knowingly to that part of the police court where other criminal trials are had; and if through an inadvertence any such child shall be brought before that part of the police court, as soon as the age of such child is discovered the hearing of the case shall be transferred to, and the case shall be heard and determined in, the children's courtroom. The police justice and the police court of the city of Rochester shall have power to impose or suspend sentence or to remit to probation pursuant to law. The commissioner of public safety of the city of Rochester may appoint such number of probation officers, to hold office during his pleasure, at a salary fixed by the board of estimate and apportionment, as may be prescribed by the said board of estimate and apportionment, which number

may be increased or diminished at any time by said board of estimate and apportionment, and may include one or more female probation officers if so determined by said board of estimate and apportionment. The said police justice may appoint from time to time, to serve at his pleasure and without compensation, such additional number of probation officers as he may deem desirable. Whenever the board of estimate and apportionment of the city of Rochester shall so determine, there shall be an additional police justice of said city, to be known as judge of the children's court, whose term of office shall be six years, and who shall receive an annual salary to be fixed by the board of estimate and apportionment at not less than twenty-five hundred dollars per annum. Immediately after such determination by the board of estimate and apportionment, the mayor shall appoint a judge of the children's court to serve until the first day of January following the next city election, at which election a judge of the children's court shall be elected. The judge of the children's court shall have all the powers and jurisdiction now or hereafter conferred upon the police justice of the city of Rochester, and the court held by him shall be a part of the police court of said city, with all the powers and jurisdiction now or hereafter conferred upon said court. It shall be the duty of the judge of the children's court to preside over and to hold the children's part of the police court of the city of Rochester, and to be present at the children's courtroom at such times and for such hours as the public interests may require, and he shall perform such other duties now or hereafter imposed upon the police justice of said city as may be directed by the common council.

§ 2. This act shall take effect immediately.

Chap. 318.

AN ACT to amend the county law permitting boards of supervisors to adopt name for almshouse.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision thirteen of section twelve of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter

eighteen of the general laws," is hereby amended to read as follows:

13. Purchase, lease or otherwise acquire, for the use of the county, necessary real property for courthouses, jails, almshouses, asylums and other county buildings, and for other county uses and purposes; and erect, alter, repair, or construct, any necessary buildings or other improvements thereon for necessary county use, and cause to be levied, collected and paid, all such sums of money as they shall deem necessary therefor; to select such name as they may deem proper and appropriate for the almshouse of such county and thereafter to designate such almshouse by the name so selected; and sell, lease or apply to other county use, the sites and buildings, when a site is changed; and if sold, apply the proceeds to the payment for new sites, buildings and improvements.

§ 2. This act shall take effect immediately.

Chap. 319.

AN ACT to amend the county law, relative to the appointment of assistant district attorneys for the county of Westchester.

Became a law, April 24, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and three of article ten of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," as amended by chapter seventy of the laws of eighteen hundred and ninety-three, and chapter four hundred and nine of the laws of eighteen hundred and ninety-seven, and chapter three hundred and thirty of the laws of nineteen hundred, and chapter fifty-one of the laws of nineteen hundred and one, and chapter one hundred and forty-three of the laws of nineteen hundred and two, and chapter five hundred and twelve of the laws of nineteen hundred and three, and by chapter sixty-one of the laws of nineteen hundred and four and by chapter three hundred and eighty of the laws of nineteen hundred and four, is hereby amended, to read as follows:

§ 203. In Erie, Monroe, Onondaga, Rensselaer and Westchester counties.—The district attorney of Erie county may appoint in

and for the county of Erie, in the manner provided in the last section, and with like powers, three assistants, to be called respectively the first, second and third assistant district attorneys and two deputy assistants, to be called deputy assistant district attorneys. The salaries of said assistant district attorneys shall be the same respectively as now received by the first assistant district attorney, the second assistant district attorney, and the transfer tax assistant district attorney of Erie county; the salaries of said deputy assistant district attorneys shall each be the same as now paid the first deputy assistant district attorney now in said office. Said assistants and deputy assistants shall severally take the constitutional oath of office before entering upon the duties thereof; and the district attorney shall be responsible for their acts. The district attorney of Monroe county may appoint, in and for the county of Monroe, in the manner provided in the last section, and with like powers, three assistants, to be called respectively the first, second and third assistant district attorneys, and one deputy assistant, to be called the deputy assistant district attorney, who shall severally take the constitutional oath of office before entering upon the duties thereof; and the district attorney shall be responsible for their acts. In Monroe county, the salaries of the assistant district attorneys and the deputy assistant district attorney shall be fixed by the board of supervisors, as follows: The salary of the first assistant district attorney shall not be less than two thousand dollars per year, payable monthly; the salary of the second assistant district attorney shall not be less than eighteen hundred dollars per year, payable monthly; the salary of the third assistant district attorney shall not be less than sixteen hundred dollars per year, payable monthly; the salary of the deputy assistant district attorney shall not be less than twelve hundred dollars per year, payable monthly, and until the salaries of said officials are so fixed by the board of supervisors, they shall be as above stated. The district attorney of Monroe county and his assistants and such deputy assistant shall conduct, on the part of the people, all preliminary examinations in the police court of the city of Rochester, and subject to the right of a complainant to appear personally or by attorney, all other prosecutions for crime therein; and may conduct prosecutions therein for violations of the penal ordinances of the said city, and appeals therefrom, and in such event one-half of the salary of such deputy shall be a charge upon the city of Rochester and assessed back upon said city by the board of supervisors of Monroe county; but the corporation counsel of

the said city shall have the power to prosecute any person for the violation of an ordinance and to conduct the proceedings therefor, or any appeal therefrom. The district attorney of Onondaga county may appoint in and for said county, in the manner provided in the last section, and with like powers, two assistants, to be called respectively the first and second assistant district attorney, each of whom shall take the constitutional oath of office before entering upon the duties thereof; and the district attorney of said county shall be responsible for their acts. The district attorney of Westchester county may appoint in and for the county of Westchester, in the manner provided in the last section, and with like powers, two assistants, to be called respectively the first and second assistant district attorney, who shall severally take the constitutional oath of office before entering upon the duties thereof; and the district attorney shall be responsible for their acts; and the salary of each shall be fixed by the board of supervisors. The district attorneys of the counties of Erie, Onondaga and Monroe may also appoint a person to act as interpreter at all sessions of the grand juries of such counties and of the city of Buffalo, whose compensation shall be fixed by the court in and for which such grand jury may be empanelled. The district attorneys of the counties of Erie and Monroe shall each be entitled to receive, in addition to their salary, all costs collected by them in actions and proceedings prosecuted and defended by them. The county judge, or the special county judge, of the county of Monroe, or any supreme court judge, shall have power, on the application of the district attorney of Monroe county, to order and direct the county treasurer of Monroe county to pay to the district attorney any sum of money expended or incurred by him in the performance of his duties in his office, and the county judge of the county of Rensselaer, or any supreme court judge, shall have power, on the application of the district attorney of Rensselaer county, to order and direct the county treasurer of Rensselaer county to pay to the district attorney any sum of money expended or incurred by him in the performance of his duties in his office, and the county judge of the county of Albany, or any supreme court judge, shall have power, on the application of the district attorney of Albany county, to order and direct the county treasurer of Albany county to pay to the district attorney of such county any sum of money expended or incurred by him in the performance of his duties in his office.

§ 2. This act shall take effect immediately.

Chap. 320.

AN ACT to amend chapter six hundred and seventeen of the laws of nineteen hundred, entitled "An act authorizing the board of estimate and apportionment of the city of New York to appropriate the sum of fifty thousand dollars to aid in the erection of a monument in memory of the martyrs who perished in the prison ships in New York harbor during the war of the revolution," in relation to the payment of moneys appropriated thereunder.

1 **Became a law, April 25, 1906, with the approval of the Governor. Passed, three-fifths being present.**

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter six hundred and seventeen of the laws of nineteen hundred, entitled "An act authorizing the board of estimate and apportionment of the city of New York to appropriate the sum of fifty thousand dollars to aid in the erection of a monument in memory of the martyrs who perished in the prison ships in New York harbor during the war of the revolution," as amended by chapter five hundred and ten of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 2. The sum of fifty thousand dollars, heretofore appropriated on May twenty-seventh, nineteen hundred and four by the board of estimate and apportionment of the city of New York pursuant to section one of this act, shall be paid by the chamberlain of the city of New York, on the warrant of the comptroller of such city, to the president of the prison ships martyrs monument association of the United States.

§ 2. This act shall take effect immediately.

Chap. 321.

AN ACT to amend the legislative law relative to services in legislative matters.

Became a law, April 26, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and eighty-two of the laws of eighteen hundred and ninety-two, being chapter eight of the general laws and known as the legislative law, is hereby amended by adding to article three a section designated as section sixty-six to read as follows:

§ 66. Every person retained or employed for compensation as counsel or agent by any person, firm, corporation or association to promote or oppose directly or indirectly the passage of bills or resolutions by either house or to promote or oppose executive approval of such bills or resolutions, shall, in each and every year, before any service is entered upon in promoting or opposing such legislation, file in the office of the secretary of state a writing subscribed by such counsel or agent stating the name or names of the person or persons, firm or firms, corporation or corporations, association or associations, by whom or on whose behalf he is retained or employed, together with a brief description of the legislation in reference to which such service is to be rendered. No notice so filed shall be valid for more than thirty days after the adjournment of the session of the legislature held in the year in which the same is filed. It shall be the duty of the secretary of state to provide a docket to be known as the docket of legislative appearances, with appropriate blanks and indices, and to forthwith enter therein the names of the counsel and agents so retained or employed and of the persons, firms, corporations or associations retaining or employing them, together with a brief description of the legislation in reference to which the service is to be rendered, which docket shall be open to public inspection. Upon the termination of such employment the fact of such termination, with the date thereof, may be entered by direction of either such counsel or agent or of the employer. No person, firm, corporation or association shall retain or employ any person to promote or oppose legislation for compensation contingent in whole or in part upon

the passage or defeat of any legislative measure or measures. No person shall for compensation engage in promoting or opposing legislation except upon appearance entered in accordance with the foregoing provisions of this section. And no person shall accept any such employment or render any such service for compensation contingent upon the passage or defeat of any legislative measure or measures. It shall be the duty of every person, firm, corporation or association within two months after the adjournment of the legislature to file in the office of the secretary of state an itemized statement verified by the oath of such person, or in case of a firm of a member thereof, or in case of a domestic corporation or association of an officer thereof, or in case of a foreign corporation or association of an officer or agent thereof, showing in detail all expenses paid, incurred or promised directly or indirectly in connection with legislation pending at the last previous session, with the names of the payees and the amount paid to each, including all disbursements paid, incurred or promised to counsel or agents, and also specifying the nature of said legislation and the interest of the person, firm, corporation or association therein. The provisions, however, of this section requiring docket entries shall not apply to duly accredited counsel or agents of counties, cities, towns, villages, public boards and public institutions. And the provisions hereof shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such professional service is not otherwise connected with legislative action. Every person, every member of any firm, and every association or corporation violating any provision of this section and every person causing or participating in a violation thereof shall be guilty of a misdemeanor and, in case of an individual, shall be punishable by imprisonment in a penitentiary or county jail for not more than one year or by a fine of not more than one thousand dollars or by both, and, in case of an association or corporation, by a fine of not more than one thousand dollars. And in addition to the penalties hereinbefore imposed any corporation or association failing to file the statement of legislative expenses within the time required shall forfeit to the people of the state the sum of one hundred dollars per day for each day after the expiration of the two months within which such statement is required to be filed, to be recovered in an action to be brought by the attorney-general.

§ 2. This act shall take effect immediately.

Chap. 322.

AN ACT to legalize the annual charter election of the village of Montour Falls, New York, for the purpose of voting for candidates and also upon the question of raising moneys to carry on the excavation of Catharine creek, and to authorize such village to issue notes pursuant to a proposition adopted thereat.

Became a law, April 26, 1906, without the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The annual charter election of the village of Montour Falls, county of Schuyler, and state of New York, called by the board of trustees and held upon the twentieth day of March, nineteen hundred and six, at which election a proposition for the raising of a sum of twenty-five hundred dollars, as will be necessary to finish the excavation on Catharine creek, and empowering and authorizing the trustees of said village to borrow same, was submitted and adopted, which election was called and conducted in accordance with the provisions of the village law, is hereby legalized and shall be deemed to be as valid and binding as if the provisions of the charter of said village had been complied with in all respects. All the acts and proceedings of the board of trustees of said village based upon the proposition so adopted at such election are hereby legalized and confirmed. The board of trustees of said village of Montour Falls is hereby authorized to issue notes thereof in the amount stated in the proposition submitted to and adopted at such annual charter election, notwithstanding any provisions to the contrary contained in the charter of said village and the acts amendatory thereof.

§ 2. This act shall not affect any action or proceeding now pending in any court.

§ 3. This act shall take effect immediately.

Chap. 323.

AN ACT authorizing the board of supervisors of Cayuga county to appropriate moneys to provide quarters for Grand Army posts.

Became a law, April 26, 1906, without the approval of the Governor. 'Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of supervisors of the county of Cayuga, is hereby empowered to raise by taxation annually, a sum not to exceed fifty dollars for any town within said county, outside of the city of Auburn, which amount shall be used for the purpose of providing suitable rooms for Grand Army posts within such town or towns and for lighting and heating the same.

§ 2. The board of supervisors of said county upon the passage of a resolution providing for the payment hereinbefore set forth may arrange for the manner in which said money shall be distributed and for any rules which may be deemed necessary in making such distribution.

§ 3. This act shall take effect immediately.

Chap. 324.

AN ACT to amend the penal code relative to the crime of perjury.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal code is hereby amended by adding thereto an additional section to be known as section one hundred and one-a, to read as follows:

§ 101-a. **Contradictory statements under oath.**—In any prosecution for perjury the falsity of the testimony or statement set forth in the indictment shall be presumptively established by proof that the defendant has testified, declared, deposed or certified under oath to the contrary thereof in any other written testimony, declaration, deposition, certificate, affidavit or other writing by him subscribed.

§ 2. This act shall take effect on the first day of September, nineteen hundred and six.

Chap. 325.

AN ACT to establish the Hudson-Fulton celebration commission, and to prescribe the powers and duties thereof and making an appropriation therefor.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Grover Cleveland, Levi P. Morton, David B. Hill, Frank S. Black, Benjamin B. Odell, junior, Stewart L. Woodford, Robert B. Roosevelt, Andrew Carnegie, Frederick D. Grant, Morris K. Jesup, William Rockefeller, William B. Van Rensselaer, Andrew D. White, J. Pierpont Morgan, Henry W. Sackett, Edward Hagaman Hall, Herbert Adams, R. B. Aldcroft, junior, John G. Agar, B. Altman, Louis Annin Ames, John E. Andrus, James K. Apgar, John D. Archbold, John Jacob Astor, Theodore M. Banta, Franklin Bartlett, James O. Bayles, James M. Beck, August Belmont, William Berri, Cornelius M. Bliss, E. W. Bloomingdale, Reginald Pelham Bolton, Thomas W. Bradley, George V. Brower, E. Parmly Brown, Henry K. Bush-Brown, William L. Bull, E. H. Butler, Nicholas Murray Butler, J. Rider Cady, J. H. Callanan, Henry W. Cannon, Joseph H. Choate, Caspar Purdon Clarke, George C. Clausen, A. T. Clearwater, Thomas Clyde, E. C. Converse, Walter Cook, John H. Coyne, E. D. Cummings, William J. Curtis, Paul D. Cravath, Charles de Kay, James de la Montayne, Chauncey M. Depew, Edward DeWitt, William Draper, Charles A. DuBois, John C. Eames, George Ehret, Smith Ely, Arthur English, John M. Farley, J. Sloat Fassett, Barr Ferree, Stuyvesant Fish, Theodore Fitch, Winchester Fitch, J. J. Fitzgerald, Thomas Powell Fowler, Austen G. Fox, Charles S. Francis, Henry C. Frick, Frank S. Gardner, Garret J. Garretson, Theodore P. Gilman, Robert Walton Goelet, William W. Goodrich, George J. Gould, George F. Gregory, Henry E. Gregory, W. L. Guillaudeu, Abner S. Haight, Benjamin F. Hamilton, William S. Hawk, James A. Hearn, Peter Cooper Hewitt, Warren Higley, Michael H. Hirschberg, Samuel Verplanck Hoffman, Willis Holly, Colgate Hoyt, LeRoy Hubbard, Thomas H. Hubbard, T. D. Huntington, August F. Jaccaci, William Jay, Hugh Kelly, James H.

Kennedy, John H. Ketcham, Horatio C. King, Albert E. Kleinert, George F. Kunz, John LaFarge, Charles R. Lamb, Frederick S. Lamb, Homer Lee, Charles W. Lefler, Julius Lehrenkrauss, Henry M. Leipziger, Clarence Lexow, Gustav Lindenthal, Walter Seth Logan, Charles H. Loring, Seth Low, William A. Marble, George E. Matthews, William McCarroll, Donald McDonald, William J. McKay, St. Clair McKelway, George W. Melville, John G. Milburn, Frank D. Millet, A. L. Mills, Ogden Mills, C. H. Niehaus, Ludwig Nissen, Jacob W. Miller, W. R. O'Donovan, Eben E. Olcott, William Church Osborn, Percy B. O'Sullivan, Orrel A. Parker, John E. Parsons, Samuel Parsons, junior, Samuel H. Parsons, Sereno E. Payne, George Foster Peabody, R. E. Peary, Bayard L. Peck, Gordon H. Peck, Howland Pell, George W. Perkins, N. Taylor Phillips, Thomas C. Platt, George A. Plimpton, Eugene H. Porter, Horace Porter, Henry C. Potter, Cornelius A. Pugsley, Louis C. Raegenier, Herman Ridder, Charles F. Roe, Carl J. Roehr, Louis T. Romaine, Thomas F. Ryan, George Henry Sargent, Herbert L. Satterlee, Charles A. Schermerhorn, Jacob Gould Schurman, Gustav H. Schwab, Isaac N. Seligman, Louis Seligsburg, Joseph H. Sonner, Frederick W. Seward, George F. Seward, William F. Sheehan, J. Edward Simmons, John W. Simpson, E. V. Skinner, Charles Stewart Smith, Nelson S. Spencer, John H. Starin, Isaac Stern, Louis Stern, Francis Lynde Stetson, Louis Stewart, James Stillman, Oscar S. Straus, Theodore Sutro, Henry R. Towne, Irving Townsend, Spencer Trask, C. Y. Turner, Albert Ulmann, Aaron Vanderbilt, Alfred G. Vanderbilt, Cornelius Vanderbilt, Henry Van Dyke, Warner Van Norden, Mistress Anson P. Atterbury, Miss A. T. Van Santvoord, J. Leonard Varick, E. B. Vreeland, Charles G. F. Wahle, Samuel B. Ward, W. L. Ward, William C. Warren, Edward Wells, junior, Charles W. Wetmore, Edmund Wetmore, J. Du Pratt White, Fred C. Whitney, William R. Willcox, James Grant Wilson, Charles B. Wolfram, Timothy L. Woodruff, W. E. Woolley, and James A. Wright, who were named by the governor of the state of New York, or by the mayor of the city of New York as members of the Hudson tercentenary joint committee and of the Fulton centennial committee, and all such persons as are or may hereafter be associated with them, by the appointment of the governor or of the said mayor, shall be and are hereby constituted a body politic and corporate by the name of the Hudson-Fulton celebration commission, which corporation shall be a public corporation, with all the powers specified in the eleventh section of the general corporation

law, except as otherwise provided by this act. It shall have no capital stock.

§ 2. The object of said corporation shall be the public celebration or commemoration of the tercentenary of the discovery of the Hudson river by Henry Hudson in the year sixteen hundred and nine, and of the first use of steam in the navigation of said river by Robert Fulton in the year eighteen hundred and seven, in such manner and form, either permanent or temporary, as may be found appropriate by said commission.

§ 3. The said commission shall have power to acquire, hold and possess for the purposes of its incorporation real or personal estate within the state of New York in fee or for a term of years or any easement therein, by gift, devise, bequest, grant, lease or purchase; and in case such commission should be unable to agree with the owners thereof for the purchase or lease of any real estate required for the purposes of its incorporation, it shall have the right to acquire the same, by condemnation, in the manner provided by the condemnation law, being chapter twenty-three of the code of civil procedure; provided, however, that no real property shall be acquired by condemnation within the city of New York until after the approval of the board of estimate and apportionment of that city.

§ 4. The affairs and business of said commission shall be conducted by a board of not less than twenty-five nor more than one hundred trustees, a quorum of whom for the transaction of business shall be fixed by the by-laws. The trustees for the first year shall be Grover Cleveland, Levi P. Morton, David B. Hill, Frank S. Black, Benjamin B. Odell, junior, Stewart L. Woodford, Robert B. Roosevelt, Andrew Carnegie, Frederick D. Grant, Morris K. Jesup, William Rockefeller, William B. Van Rensselaer, Andrew D. White, J. Pierpont Morgan, Henry W. Sackett, Edward Haganman Hall, John G. Agar, James M. Beck, J. Rider Cady, Henry W. Cannon, Joseph H. Choate, Paul D. Cravath, William J. Curtis, J. Sloat Fassett, Stuyvesant Fish, Theodore Fitch, Thomas Powell Fowler, Charles S. Francis, William W. Goodrich, George J. Gould, Warren Higley, August F. Jaccaci, William Jay, James H. Kennedy, Horatio C. King, George Frederick Kunz, John La Farge, Henry M. Leipziger, Seth Low, William McCarroll, William J. McKay, John G. Millburn,* Frank D. Millet, Ogden Mills, Eben E. Olcott, John E. Parsons, Sereno E. Payne, Bayard L. Peck, N. Taylor Phillips, Eugene H. Porter, Horace Porter,

* So in original.

Cornelius A. Pugsley, Louis C. Raegener, Herman Ridder, Jacob Gould Schurman, Isaac N. Seligman, Frederick W. Seward, J. Edward Simmons, Charles Stewart Smith, Nelson S. Spencer, Francis Lynde Stetson, James Stillman, Oscar S. Straus, Spencer Trask, A. G. Vanderbilt, Cornelius Vanderbilt, Henry Van Dyke, Samuel B. Ward, and James Grant Wilson. Such trustees shall make the by-laws of the commission providing among other things for the election of their successors within thirteen months from the passage of this act, and for the election of officers, as therein specified, to hold office until the succeeding annual election of trustees, and until their successors are elected, and for the filling of vacancies in any office. They shall continue to hold office until the succeeding election of trustees to the number and in the manner provided by the said by-laws.

§ 5. None of the trustees or members of said commission, except one or more assistants to the secretary, shall receive any compensation for services, nor shall any of them be pecuniarily interested directly or indirectly in any contract relating to the affairs of said commission; nor shall said commission make any dividend or division of its property among its members, managers or officers; nor shall any member of the commission nor any trustee be liable individually for any of its debts or liabilities.

§ 6. Said commission shall annually make to the legislature a statement of its affairs, and from time to time report to the legislature such recommendations as are pertinent to the objects for which it is created, and may act jointly or otherwise with any persons appointed by any other state for purposes similar to those intended to be accomplished by this act.

§ 7. Whenever the commission shall report to the legislature that the purposes for which the commission is created have been attained and all its debts and obligations have been paid, its remaining real and personal property shall be disposed of as the legislature may direct.

§ 8. The commission shall have power to receive subscriptions from parties who may desire to contribute to the object of the said commission.

§ 9. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purposes of this act. Such money shall be paid by the treasurer on the warrant of the comptroller issued upon a requisition signed by the president and secretary of the commission, accompanied by an

estimate of the expenses for the payment of which money so drawn is to be applied. No indebtedness nor obligation shall be incurred under this act in excess of the appropriations herein or hereafter made, and such sums as may be provided for said commission by the city of New York for the purposes of this act. The commission shall, as requested by the governor, from time to time render to him reports of its proceedings.

§ 10. The city of New York may provide for the said commission such sums of money as the city shall deem expedient and in such manner as it shall deem proper for the purpose of carrying out the objects of the commission.

§ 11. The duration of the corporation shall be ten years.

§ 12. This act shall take effect immediately.

Chap. 326.

AN ACT to amend the insurance law generally.

Became a law April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of the insurance law, being chapter six hundred and ninety of the laws of eighteen hundred and ninety-two, entitled "An act in relation to insurance corporations, constituting chapter thirty-eight of the general laws," is hereby amended to read as follows:

§ 2. The superintendent of insurance.—There shall continue to be a separate and distinct department charged with the execution of the laws relating to insurance, to be known as the insurance department, the chief officer of which shall be the superintendent of insurance, who, after the termination of the term of office of the present superintendent, or whenever a vacancy shall occur in the office, shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold his office for the term of three years. He shall receive an annual salary of seven thousand dollars, which shall be in full of all services performed by him in any capacity. The superintendent and his deputies shall take and subscribe and file in the office of the secretary of state the constitutional oath of office within fifteen days from the time of notice of

their appointments respectively. The superintendent shall, within the same time, give an official undertaking in the sum of twenty-five thousand dollars, with two good sureties to be approved by the comptroller. Neither the superintendent nor any deputy nor employee shall be directly or indirectly interested in any insurance corporation, except as an ordinary policyholder. All books, papers, documents, securities, stocks, bonds and mortgages, and all other papers whatever, in the office of the comptroller and in the office of the secretary of state at the time of the passage of chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine, relating to the business of insurance, shall, on demand, be delivered and transferred to the superintendent, and be and remain in his charge and custody.

§ 2. Section seven of the insurance law as amended by chapter one hundred and seventy-one of the laws of eighteen hundred and ninety-eight is hereby amended to read as follows:

§ 7. *Expenses of examinations.*—The expense of every examination or other investigation of the affairs of an insurance corporation, pursuant to the authority conferred by the provisions of this chapter, shall be borne and paid by the corporation so examined, unless remitted by the superintendent. If a corporation for the insurance of domestic animals, such expense shall not exceed for any one corporation the sum of fifty dollars in any one year. No charge shall be made for any examination of an insurance corporation by the superintendent or his deputy personally, or by one or more of the regular clerks of the department except for necessary traveling and other actual expenses. All charges for making any examination and all charges against an insurance corporation by an attorney or appraiser of the department shall be presented in the form of an itemized bill approved by the superintendent, audited by the comptroller, and paid on his warrant drawn in the usual manner on the state treasurer, to the person making the examination. The corporation examined on receiving a certified copy of such bill so approved, audited and paid, shall repay the amount thereof to the superintendent of insurance, to be by him paid into the state treasury to replace the money drawn out as above provided. No insurance corporation shall either directly or indirectly pay by way of gift, credit or otherwise, any other or further sum to the superintendent or any clerk or employee of the insurance department or any examiner for extra service or for purposes of legislation, or on any other pretense whatsoever.

§ 3. Section eleven of the insurance law as amended by chapter

seven hundred and twenty-five of the laws of eighteen hundred and ninety-three is hereby amended to read as follows:

§ 11. **Examination by superintendent.**—If the declaration and charter specified in the preceding section shall be approved by the attorney-general, the superintendent shall thereupon cause an examination to be made by himself or by one or more competent and disinterested persons specially appointed by him for that purpose, into the affairs of the corporation or proposed corporation. If such persons, after examination made, shall certify under oath, if it be a stock corporation, that the amount of capital required by law has been paid in and is possessed by it in cash, or is invested in the manner required by law; or if a mutual or cooperative corporation, that it has received and is in actual possession of the capital, premiums or engagements of insurance to the full extent required by law, the superintendent shall file such certificate in his department. Every such insurance corporation shall also deposit with the superintendent of insurance, before receiving authority to transact business in this state, such sums of money or securities as may be required by law.

§ 4. Section fifteen of the insurance law is hereby amended to read as follows:

§ 15. **State treasurer to countersign transfers of securities.**—No transfer of securities held by the superintendent of insurance shall be valid unless countersigned by the treasurer of the state or his deputy, and upon notice of at least five days to the corporation depositing such securities. The treasurer shall keep in his office or in the office of the superintendent a book in which shall be entered the name of the corporation from whose account such transfer of securities is made by the superintendent, the name of the transferee unless made in blank, the par value of the securities transferred, the amount for which every mortgage transferred is held by the superintendent; and within five days after countersigning and entering the same, the treasurer shall advise by mail the corporation from whose account such transfer is made, of the kind of security and the amount of the same thus transferred. The treasurer shall have access at all times during office hours to the books of the superintendent of insurance for the purpose of ascertaining the correctness of any transfer or assignment presented to him to countersign and the superintendent shall have access to the book herein mentioned kept by the treasurer during office hours to ascertain the correctness of the entries upon the same. The treasurer

shall state in his annual report to the legislature the total amount of such transfer or assignment countersigned by him.

§ 5. Section sixteen of the insurance law as amended by chapter one hundred and twelve of the laws of eighteen hundred and ninety-three and by chapter nine hundred and seventeen of the laws of eighteen hundred and ninety-five and by chapter two hundred and eighteen of the laws of eighteen hundred and ninety-seven is hereby amended so as to read as follows:

§ 16. Investment of capital and surplus.—The cash capital of every domestic insurance corporation required to have a capital, to the extent of the minimum capital required by law, shall be invested and kept invested in the kinds of securities in which deposits with the superintendent of insurance are required by this chapter to be made. The residue of the capital and the surplus money and funds of every domestic insurance corporation over and above its capital, and the deposit that it may be required to make with the superintendent, may be invested in or loaned on the pledge of any of the securities in which deposits are required to be invested or in the public stocks or bonds of any one of the United States, or except as in this chapter otherwise provided, in the stocks, bonds or other evidence of indebtedness of any solvent institution incorporated under the laws of the United States or of any state thereof, or in such real estate as it is authorized by this chapter to hold; but no such funds shall be invested in or loaned on its own stock or the stock of any other insurance corporation carrying on the same kind of insurance business. Any domestic insurance corporation may, by the direction and consent of two-thirds of its board of directors, managers or finance committee, invest, by loan or otherwise, any such surplus moneys or funds in the bonds issued by any city, county, town, village or school district of this state, pursuant to any law of this state. Any corporation organized under the ninth subdivision of section seventy of the insurance law, for guaranteeing the validity and legality of bonds issued by any state, or by any city, county, town, village, school district, municipality, or other civil division of any state, may invest by loan or otherwise any of such surplus moneys or funds in the bonds which they are authorized to guarantee. Every such domestic corporation doing business in other states of the United States or in foreign countries, may invest the funds required to meet its obligation incurred in such other states or foreign countries and in conformity to the laws thereof, in the same kind of securities in such other states or foreign countries that

such corporation is by law allowed to invest in, in this state. Any life insurance company may lend a sum not exceeding the lawful reserve which it holds upon any policy, on the pledge to it of such policy and its accumulations as collateral security. But nothing in this section shall be held to authorize one insurance corporation to obtain, by purchase or otherwise, the control of any other insurance corporation.

§ 6. Section twenty of the insurance law is hereby amended to read as follows:

§ 20. Restrictions as to real property.—Every insurance corporation transacting business in this state may purchase, hold and convey real property only for the following purposes and in the following manner:

1. The building in which it has its principal office and the land upon which it stands.

2. Such as shall be requisite for its convenient accommodation in the transaction of its business.

3. Such as shall have been acquired for the accommodation of its business.

4. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for moneys due.

5. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

6. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts.

7. Such as shall have been acquired under sections thirteen and fourteen of the general corporation law.

All such real property specified in subdivisions three, four, five, six and seven of this section, which shall not be necessary for its accommodation in the convenient transaction of its business, shall be sold and disposed of within five years after it shall have acquired title to the same, or within five years after the same shall have ceased to be necessary for the accommodation of its business, and it shall not hold such property for a longer period unless it shall procure a certificate from the superintendent of insurance that its interests will suffer materially by the forced sale thereof, in which event the time for the same may be extended to such time as the superintendent shall direct in such certificate. If it is a domestic marine insurance corporation, it may also acquire and hold such real property within the state or upon or in its waters which is or may be adapted to or available for use in protecting, storing and caring for wrecked vessels or cargoes, or in

protecting, storing or caring for such vessels and appliances as are or may be employed for assisting the same, or which is or may be adapted to or available for other purposes of or incident to marine salvage service, and may manage and dispose of such real property in the same manner and with like effect as if it were an unincorporated owner thereof. No real property shall be acquired by any domestic life insurance corporation under subdivisions one or two hereof or under section fourteen of the general corporation law and no real property within the state shall be acquired by any foreign life insurance corporation under subdivision two hereof, except with the approval of the superintendent of insurance. No real property shall be disposed of by any domestic life insurance corporation and no real property within the state shall be disposed of by any foreign life insurance corporation, by exchange for other real property, wherever situated, as the consideration for the transfer in whole or part unless the acquisition of the latter shall be requisite for the convenient accommodation of the corporation in the transaction of its business and shall be approved by the superintendent.

§ 7. Section twenty-four of the insurance law is hereby amended to read as follows:

§ 24. **Limitation of risk.**—No domestic insurance corporation, nor any insurance corporation organized under the laws of any country outside of the United States, doing business in this state, shall expose itself to any loss on any one risk or hazard to an amount exceeding ten per centum of its capital and surplus. No insurance corporation incorporated under the laws of any other state of the United States, doing business in this state, shall expose itself to any loss on any one risk or hazard within this state to an amount exceeding ten per centum of its capital and surplus. No portion of any such risk or hazard which shall have been reinsured in a corporation authorized to do insurance business in this state shall be included in determining the limitation of risk prescribed in this section. This section shall not apply to life insurance corporations.

§ 8. Section thirty-three of the insurance law, as amended by chapter twenty-three of the laws of eighteen hundred and ninety-six, is hereby amended to read as follows:

§ 33. **Reciprocal requirements.**—If, by the existing or future laws of any state, an insurance corporation of this state having agencies in such other state or the agents thereof, shall be required to make any deposit of securities in such other state for the pro-

tection of policyholders or otherwise, or to make payment for taxes, fines, penalties, certificates of authority, license fees or otherwise, greater than the amount required by this chapter from similar corporations of such other state by the then existing laws of this state, then and in every such case, all insurance corporations of such state, established or heretofore having established an agency or agencies in this state shall be and they are hereby required to make the like deposit for the like purposes in the insurance department of this state, and to pay the superintendent of insurance for taxes, fines, penalties, certificates of authority, license fees and otherwise, an amount equal to the amount of such charges and payments imposed by the laws of such other state upon the insurance corporations of this state and the agents thereof. The superintendent of insurance may remit any of the fees and charges which he is required by law to collect, except such as he is required to collect by virtue of this section; but no discrimination shall be made in favor of one corporation over another from the same state or country. Whenever it shall appear to the superintendent of insurance that permission to transact business within any state of the United States or within any foreign country is refused to a company organized under the laws of this state, after a certificate of the solvency and good management of such company has been issued to it by the said superintendent and after such company has complied with any reasonable laws of such state or foreign country requiring deposits of money or securities with the government of such state or country, then and in every such case, the superintendent may forthwith cancel the authority of every company organized under the laws of such state or foreign government and licensed to do business in this state, and may refuse a certificate of authority to every such company thereafter applying to him for authority to do business in this state, until his certificate shall have been duly recognized by the government of such state or country.

§ 9. Section thirty-six of the insurance law is hereby amended to read as follows:

§ 36. Officers and directors not to be pecuniarily interested in transactions.—No director or officer of an insurance corporation doing business in this state shall receive any money or valuable thing for negotiating, procuring, recommending or aiding in, any purchase by or sale to such corporation of any property, or any loan from such corporation, nor be pecuniarily interested, either as principal, coprincipal, agent, or beneficiary, in any such

purchase, sale or loan; provided that nothing herein contained shall prevent a life insurance corporation from making a loan upon a policy held therein by the borrower not in excess of the net value thereof. Any person violating any provision of this section shall be guilty of a misdemeanor.

§ 10. Section thirty-nine of the insurance law is hereby amended to read as follows:

§ 39. **Examiners and examinations.**—The superintendent of insurance shall, as often as he deems it expedient, examine into the affairs of any insurance corporation doing business in this state and shall make such an examination of every domestic life insurance corporation at least once in three years. For such purpose he may appoint as examiners one or more competent persons not officers of or connected with or interested in any insurance corporation other than as policyholders; and upon such examination he, his deputy or any examiner authorized by him may examine under oath the officers and agents of such corporation and all persons deemed to have material information regarding the company's property or business. Every such corporation, its officers and agents, shall produce its books and all papers in its or their possession relating to its business or affairs, and any other person may be required to produce any book or paper in his custody deemed to be relevant to the examination, for the inspection of the superintendent, his deputies or examiners whenever required; and the officers and agents of such corporation shall facilitate such examination and aid the examiners in making the same so far as it is in their power to do so. Every such examiner shall make a full and true report of every examination made by him, verified by his oath; which report so verified shall be presumptive evidence in any action or proceeding in the name of the people against the corporation, its officers or agents, of the facts stated therein. The superintendent shall grant a hearing to the corporation examined before filing any such report; and may withhold any such report from public inspection for such time as he may deem proper and may, if he deems it for the interest of the public to do so, publish any such report or the result of any such examination as contained therein, in one or more newspapers of the state.

§ 11. Section forty of the insurance law is hereby amended to read as follows:

§ 40. **Examination by superintendent upon request of stockholder, policyholder or creditor.**—The superintendent shall make an examination into the affairs of any insurance corporation doing

business in this state, whenever any stockholder, policyholder or judgment creditor of any such corporation shall, by a declaration subscribed and sworn to by him, notify the superintendent of facts within the knowledge of the person making the declaration, and stated therein, or within the knowledge of persons whose affidavits stating the same are presented therewith, which in the judgment of the superintendent make such an examination advisable.

§ 12. Section forty-five of the insurance law is hereby amended to read as follows:

§ 45. Forms of report to be furnished by superintendent.— The superintendent shall cause to be prepared and furnished to every corporation required by the provisions of this chapter to report to him, printed forms of the reports and statements required of such corporations. He may make such changes from time to time in the form of the same as shall seem to him best adapted to elicit from such corporations a true exhibit of their condition in respect to the several matters which they are required to report, or in respect to any other matters which he may deem material. The report of any corporation, the capital of which is composed in whole or in part of notes, shall, in addition to the foregoing, exhibit the amount of notes originally forming its capital, and also what proportion of such notes is still held by the corporation and considered capital. If a corporation, incorporated under the laws of any state or country outside of the United States, such report with respect to the business done and assets held by or for the corporation, shall only contain a statement of the business done and assets held by or for it within the United States for the protection of all policyholders residing within the United States, and shall not contain any statement in regard to its assets and business elsewhere. In addition to any other penalty prescribed by law, every insurance corporation failing to make and file the reports and statements required by this chapter or to reply to any inquiry of the superintendent, shall forfeit to the people of the state five hundred dollars for the first offense, and an additional five hundred dollars for every month that such corporation shall thereafter continue to transact any business of insurance in this state.

§ 13. Section fifty-two of the insurance law as amended by chapter seven hundred and twenty-five of the laws of eighteen hundred and ninety-three, by chapter seven hundred and twenty-

two of the laws of nineteen hundred and one, and by chapter five hundred and seventy-four of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 52. **Reorganization of existing corporations and amendment of certificates.**—Any domestic corporation existing or doing business at the time this chapter takes effect, may, by a vote of a majority of its directors or trustees accept provisions of this chapter and amend its charter to conform with the same, upon obtaining the consent of the superintendent of insurance thereto in writing; and thereafter it shall be deemed to have been incorporated under this chapter, and every such corporation in reincorporating under this provision may for that purpose so adopt in whole or in part a new charter, in conformity herewith, and include therein any or all provisions of its existing charter, and any or all changes from its existing charter, to cover and enjoy any or all the privileges and provisions of existing laws which might be so included and enjoyed if it were originally incorporated thereunder, and it shall, upon such adoption of and after obtaining the consent, as in this section before provided, to such charter, and filing the same and the record of adoption and consent in the office of the superintendent of insurance, perpetually enjoy the same as and be such corporation, and which is declared to be a continuation of such corporation which existed prior to such reincorporation; and the offices therein which shall be continued shall be filled by the respective incumbents for the periods for which they were elected, and all others shall be filled in the same manner by such amended charter provided. Every domestic insurance corporation may amend its charter or certificate of incorporation by inserting therein any statement or matter which might have been originally inserted therein; and may likewise amend its charter or certificate of incorporation, by inserting therein any powers which, at the time of such amendment, may have been conferred by law upon domestic insurance corporations engaged in a business of the same general character, or which might be included in the certificate of incorporation of a domestic insurance company organized under any general law of this state for a business of the same general character; and the same proceedings shall be taken upon the presentation of such amended charter or certificate to the superintendent of insurance, as are required by this chapter to be taken with respect to an original charter or certificate, and if approved by the superintendent of insurance, and his cer-

tificate of authority to do business thereunder is granted, the corporation shall thereafter be deemed to possess the same powers and be subject to the same liabilities as if such amended charter or certificate had been its original charter or certificate of incorporation, but without prejudice to any pending action or proceeding or any rights previously accrued. Upon the reincorporation or upon the amendment of the charter of any life insurance corporation, having a capital stock, in accordance with the provisions of this section, it may by a vote of a majority of its directors confer upon its policyholders or upon such policyholders as may have a prescribed amount of insurance upon their lives the right to vote for all or any less number of the directors in such manner not inconsistent with any provision of this chapter as may be authorized by a vote of the stockholders representing at least a majority of the capital stock at a meeting of stockholders called for the purpose. Section thirty-two of the stock corporation law shall not apply to such a corporation. This section shall apply to insurance corporations organized under or subject to article six of the insurance law as well as to insurance corporations organized under a special act or any general law or article two of the insurance law. In the case of any corporation organized under or subject to article six of the insurance law, which corporation has amended its charter and is now operating under article two of the insurance law, all contracts, policies and certificates issued prior to its reincorporation, shall be valued as one year term insurance at the ages attained excepting when such contracts, policies or certificates shall provide for a limited number of specified premiums or for specified surrender values, in which case they shall be valued as provided in article two, section eighty-four of the insurance law. But no life insurance corporation shall hereafter be permitted to avail itself of the provisions of this section unless it shall hold for all its outstanding policies or certificates assets equal in value to the minimum reserve required by section eighty-four of the insurance law.

§ 14. Section fifty-three of the insurance law is hereby amended to read as follows:

§ 53. Any corporation or person violating any provision of the insurance law, except where such violation constitutes a felony, shall, in addition to any penalty otherwise prescribed for such violation, be guilty of a misdemeanor.

§ 15. Section fifty-six of the insurance law is hereby repealed.

§ 16. The insurance law is hereby amended by adding a new section thereto, to be known as section fifty-eight, to read as follows:

§ 58. Policy to contain the entire contract; statements of insured to be representations and not warranties.—Every policy of insurance issued or delivered within the state on or after the first day of January, nineteen hundred and seven, by any life insurance corporation doing business within the state shall contain the entire contract between the parties and nothing shall be incorporated therein by reference to any constitution, by-laws, rules, application or other writings unless the same are endorsed upon or attached to the policy when issued; and all statements purporting to be made by the insured shall in the absence of fraud be deemed representations and not warranties. Any waiver of the provisions of this section shall be void.

§ 17. Section fifty-nine of the insurance law is hereby amended to read as follows:

§ 59. Certain provisions in policies prohibited.—No corporation issuing policies of insurance upon the lives of persons, whether such corporation is a domestic one, existing under the laws of the state, or a foreign one which has become entitled to do business within the state, shall, after this section shall take effect, provide in any application, policy or certificate of insurance, that the person soliciting such insurance, or any person who is engaged in the business of soliciting insurance for the company issuing such policy, or certificate, and whose compensation is either paid by said company, or is contingent upon the issuing of such policy, is the agent of the person insured under said policy or certificate, or shall insert in said policy or certificate any provision to make the acts or representations of such person binding upon the person so insured under said policy or certificate.

§ 18. The insurance law is hereby amended by adding thereto a new section, to be known as section sixty, to read as follows:

§ 60. Estimates and misrepresentations prohibited.—No life insurance corporation doing business in this state and no officer, director or agent thereof shall issue or circulate, or cause or permit to be issued or circulated, any estimate, illustration, circular or statement of any sort misrepresenting the terms of any policy issued by it or the benefits or advantages promised thereby, or the dividends or share of surplus to be received thereon, or shall use any name or title of any policy or class of policies mis-

representing the true nature thereof. Any violation of this section shall constitute a misdemeanor.

§ 19. Section seventy of the insurance law, as amended by chapter nine hundred and seventeen of the laws of eighteen hundred and ninety-five, by chapter six hundred and ninety-three of the laws of eighteen hundred and ninety-nine, by chapter six hundred and forty-three of the laws of nineteen hundred and one and by chapter five hundred and seventy-three of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 70. Incorporation.—Thirteen or more persons may become a corporation for the purpose of making any of the following kinds of insurance:

1. Upon the lives or the health of persons and every insurance appertaining thereto, and to grant, purchase or dispose of annuities.

2. Against injury, disablement or death resulting from traveling or general accident, and against disablement resulting from sickness, and every insurance appertaining thereto.

3. Insuring any one against loss or damage resulting from accident to or injury suffered by an employee or other person, and for which the person insured is liable.

4. Guaranteeing the fidelity of persons holding places of public or private trust. Guaranteeing the performance of contracts other than insurance policies and executing or guaranteeing bonds and undertakings required or permitted in all actions or proceedings or by law required. Guaranteeing and indemnifying merchants, traders and those engaged in business and giving credit from loss and damage by reason of giving and extending credit to their customers and those dealing with them; and corporations authorized to do such last named business in this subdivision mentioned shall have all the powers conferred by section one hundred and seventy-eight of this chapter.

5. Against loss by burglary or theft, or both.

6. Upon glass against breakage.

7. Upon steam boilers and pipes, engines and machinery connected therewith or operated thereby, against explosion and accident and against loss or damage to life or property resulting therefrom, and to make inspection of and to issue certificates of inspection upon such boilers, pipes, engines and machinery.

8. Against any other casualty specified in the charter which may lawfully be the subject of insurance.

9. Guaranteeing the validity and legality of bonds issued by

any state, or by any city, county, town, village, school district, municipality or other civil division, of any state or by any private or public corporation.

By making and filing in the office of the superintendent of insurance a certificate signed by each of them, stating their intention to form a corporation for the purpose or purposes named in some one of the foregoing subdivisions specifying the subdivisions; and setting forth a copy of the charter which they propose to adopt, which shall state the name of the proposed corporation, the place where it is to be located, the kind of insurance to be undertaken, and under which of the foregoing subdivisions it is authorized, the mode and manner in which its corporate powers are to be exercised, the manner of electing its directors and officers, a majority of whom shall be citizens and residents of this state, the time of such elections, the manner of filling vacancies, the amount of its capital, if any, and such other particulars as may be necessary to explain and make manifest the objects and purposes of the corporation. Such certificate shall be proved or acknowledged and recorded in a book to be kept for that purpose, and a certified copy thereof delivered to the persons executing the same. A mutual company, without capital stock, may be organized for the purposes, either separately or taken together, specified in the first and second subdivisions of this section. Except as above provided, no such corporation shall be formed under this article for the purpose of undertaking any other kind of insurance than that specified in some one of the foregoing subdivisions, or more kinds of insurance than are specified in a single subdivision; but a corporation other than a mutual corporation may be formed for all the purposes combined, or any two or more of them, specified in the first, second and third subdivisions, or for all the purposes combined, or any two or more of them specified in the second, third, fourth, fifth, sixth, seventh, and eighth subdivisions. After June first, one thousand nine hundred and five, no corporation or association shall transact, in connection with any other kind of insurance mentioned in the foregoing subdivisions, the business of guaranteeing and indemnifying merchants, traders and those engaged in business and giving credit from loss and damage by reason of giving and extending credit to their customers and those dealing with them, except such a corporation or association as shall have been authorized to transact such business before said date; but such a corporation or association may continue to transact such

business with all the powers and privileges theretofore possessed or enjoyed by it. No one policy issued by any one corporation shall embrace more kinds of insurance than are specified in one of such divisions, but a policy may embrace risks specified in subdivisions two and three.

§ 20. Section seventy-one of the insurance law is hereby amended to read as follows:

§ 71. Completion of organization.— Upon receipt of the certified copy of the certificate of incorporation from the superintendent, the persons signing such certificate shall publish notice of their intention to form such corporation in a paper designated by the superintendent for six successive weeks, upon expiration of which time they may open books to receive subscriptions, if a stock corporation, to the capital stock, or if a mutual corporation for life insurance, and keep them open until the whole of such stock or the minimum amount of life insurance has been subscribed for, and collect such subscriptions to the capital stock or the annual premiums payable upon such insurance; and may invest such capital or moneys in the manner prescribed in this chapter. No such corporation shall transact any business of insurance until, if a stock corporation, the capital has been fully paid in in cash or, if a mutual corporation, at least five hundred persons have subscribed in the aggregate for at least one million dollars of insurance upon their lives and shall each have paid in one full annual premium in cash upon the insurance subscribed for, nor in either case until it shall have deposited with the superintendent of insurance one hundred thousand dollars in the securities required by law. If organized for purposes mentioned in two or more of the subdivisions of section seventy, it shall deposit with the superintendent the same amount in securities in the aggregate not exceeding two hundred and fifty thousand dollars, as if corporations had been separately formed for such purposes. The securities deposited pursuant to this section shall be held by the superintendent in trust for the benefit and protection of and as security for the policyholders of the corporation. A mutual corporation may borrow or assume liability for the repayment of a sum of money sufficient to defray the reasonable expenses of its organization and to provide the amount to be deposited with the superintendent as aforesaid upon an agreement that the same with interest at a rate not exceeding eight per centum per annum shall be repaid only in the event that after such repayment with interest the corporation shall be left possessed of

sufficient assets to meet all its liabilities and to maintain a full legal reserve against its policies and not until said reserve shall be equal to at least one hundred thousand dollars; and such agreement shall provide that the corporation shall have the option to make such repayment whenever it shall be able to do so in accordance with the aforesaid conditions.

§ 21. Section seventy-three of the insurance law is hereby amended to read as follows:

§ 73. Special deposits to secure registered policies and annuity bonds.—Any domestic life insurance corporation may deposit with the superintendent of insurance securities of the kinds and in addition to the amount now required and authorized by law to be deposited with him to any amount not less than twenty-five thousand dollars, which shall be legally transferred by it to the superintendent for the common benefit of all the holders of its registered policies and annuity bonds issued under the provisions of this article, and he shall hold the same in trust for the purposes and objects specified in this article. Such securities shall not be alienated from the purposes of such trust, nor transferred except in the manner provided in this article, and such transfer must be made by the superintendent under his seal of office upon the written application, under its corporate seal, of the corporation making the deposit, or of the receiver of such corporation, and in compliance with the laws of the state relating to such transfers. When such securities shall have been legally transferred to the superintendent, he shall issue to such corporation registered policies of insurance or annuity bonds of such denominations or amounts as the corporation may require. Such policies or bonds shall bear upon the face thereof the words "the reserve on this policy (or bond) is secured by pledge of public stock or bonds and securities" with the seal of the department, and shall be countersigned by the superintendent or his authorized deputy. The corporation shall be charged by the superintendent upon the delivery of such policies or bonds with the amounts of the net value thereof at the end of the policy year, valued according to the provisions of section eighty-four of this chapter making proper allowances for semi-annual, quarterly or monthly premiums, but in no case shall the amount of securities deposited under the provisions of this section be less than the amount of such aggregate values.

§ 22. Section eighty-two of the insurance law as amended by

chapter five hundred and fourteen of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 82. When receiver shall not be appointed, or new policies issued.—No receiver for any life insurance corporation shall be appointed if such corporation has actual funds invested according to law, of a net cash value equal to its outstanding liabilities, exclusive of any contingent liability incurred under the provisions of section seventy-one of this chapter relating to the organization of a mutual corporation, and a sufficient reserve on policies and claims not matured, calculated according to the American experience table of mortality, with interest at four and one-half per centum per annum, and in computing such liabilities, capital stock shall be considered as a liability of the corporation. But no such corporation shall issue new policies if its capital stock is impaired to the extent of fifty per centum thereof, after charging said corporation with a reserve liability calculated according to the provisions of section eighty-four of this chapter, until such impairment is made good; in the case of a corporation having no capital stock, it shall not issue new policies if its assets are less than its liabilities as above defined and upon the basis last before mentioned, until such deficiency is made good.

§ 23. Section eighty-three of the insurance law is hereby amended to read as follows:

§ 83. Distribution of surplus to policyholders.—Except as herein provided, every domestic life insurance corporation heretofore or hereafter organized, whether incorporated by special act or under a general law, anything in its charter or certificate of incorporation or in such special act or general law to the contrary notwithstanding, shall provide in every policy issued on or after the first day of January, nineteen hundred and seven, that the proportion of the surplus accruing upon said policy shall be ascertained and distributed annually and not otherwise. Upon the thirty-first day of December of each year, or as soon thereafter as may be practicable, every such corporation shall well and truly ascertain the surplus earned by such corporation during said year. After setting aside from such surplus such sums as may be required for the payment of authorized dividends upon the capital stock, if any, and such sums as may properly be held for account of existing deferred dividend policies and for a contingency reserve not in excess of the amount prescribed in this article, every such corporation shall apportion the remaining surplus equitably.

to all other policies entitled to share therein. Except in the case of a term or an industrial policy, the share of surplus so apportioned in the case of a policy issued on or after the first day of January, nineteen hundred and seven, shall, at the option of the owner of the policy, be payable in cash, or shall be applicable to the payment of any premium or premiums upon said policy or to the purchase of a paid-up addition thereto or shall be permitted to accumulate to the credit of the policy at such rate of interest as shall be allowed by the company, and with such interest shall be payable upon the maturity of the policy or shall be withdrawable in cash by the owner of the policy on any anniversary of the date of issue thereof. Such corporation may require the owner of the policy to elect the manner in which said dividends shall be applied as above provided by mailing a written notice of the amount of the said dividends and the options available as aforesaid in a sealed envelope in the manner required by the provisions of this chapter for notices of premium payments, and in case the owner shall fail to notify the company in writing of his election within three months after the date of the mailing of said notice, the surplus shall be applied by the company to the purchase of a paid-up addition to the sum insured. In the case of a term or industrial policy issued on or after the first day of January, nineteen hundred and seven, the share of surplus so apportioned shall be payable to the owner of the policy in cash or shall be applicable to the payment of any premium or premiums upon said policy, or if so provided in the policy shall be permitted to accumulate to the credit of the policy at such rate of interest as shall be allowed by the company and in such case shall be payable upon the maturity or expiration of the policy or shall be withdrawable in cash by the holder of the policy on any anniversary of the date of issue thereof. The dividends declared as aforesaid in the case of a policy issued on or after the first day of January, nineteen hundred and seven, shall be payable respectively either upon the anniversary of the policy next after said thirty-first day of December or upon a day certain in the year following said date, according to the rules of the corporation or the terms of the policy, and upon the sole condition that the premium payments for the policy year current upon said thirty-first day of December shall have been completed.

This section shall not apply to any stock life insurance corporation which on or after the first day of January, nineteen hun-

dred and seven, shall transact and shall represent itself as transacting its business exclusively upon a nonmutual basis and shall after said date issue only nonparticipating policies. Nor shall this section apply to paid-up or temporary and pure endowment insurance issued or granted in exchange for lapsed or surrendered policies. A foreign life insurance corporation which shall not provide in every participating policy issued or delivered in this state on or after the first day of January, nineteen hundred and seven, that the proportion of the surplus accruing upon said policy shall be ascertained and distributed annually and not otherwise, and which shall not ascertain and distribute the surplus accruing upon said policies annually either by providing for their payment in cash or their application to the payment of premiums or to the purchase of paid-up additions or for their accumulation as above provided in the case of domestic corporations shall not be permitted to do business within this state.

§ 24. Section eighty-four of the insurance law as amended by chapter one hundred and forty-seven of the laws of eighteen hundred and ninety-three and by chapter three hundred and forty-six of the laws of nineteen hundred and one is hereby amended to read as follows:

§ 84. Valuation of policies.—The superintendent of insurance shall annually make valuations of all outstanding policies, additions thereto, unpaid dividends, and all other obligations of every life insurance corporation doing business in this state. All valuations made by him or by his authority shall be made upon the net premium basis. The legal minimum standard for contracts issued before the first day of January, nineteen hundred and one, shall be the actuaries' or combined experience table of mortality with interest at four per centum per annum, and for contracts issued on or after said day shall be the American experience table of mortality with interest at three and one-half per centum per annum; provided that the legal minimum valuation of all contracts issued on or after the first day of January, nineteen hundred and seven, shall be in accordance with the select and ultimate method, and on the basis that the rate of mortality during the first five years after the issuance of said contracts respectively shall be calculated according to the following percentages of the rates shown by the American experience table of mortality, to wit, first insurance year fifty per centum thereof, second insurance year sixty-five per centum thereof, third insur-

ance year seventy-five per centum thereof, fourth insurance year eighty-five per centum thereof, and fifth insurance year ninety-five per centum thereof. The superintendent may vary the standards of interest and mortality in the case of corporations from foreign countries as to contracts issued by such corporations in other countries than the United States; and in particular cases of invalid lives and other extra hazards, and value policies in groups, use approximate averages for fractions of a year and otherwise, and accept the valuation of the department of insurance of any other state or country if made upon the basis and according to the standards herein required in place of the valuation herein required if the insurance officer of such state or country accepts as sufficient and valid for all purposes the certificate of valuation of the superintendent of insurance of this state. No policy issued after the thirty-first day of December, nineteen hundred and six, shall be valued as term insurance unless premiums are based upon net term rates; and no policy with level premiums issued after said date shall be valued as term insurance for the first policy year. As soon as practicable after the first day of January, nineteen hundred and seven, the superintendent of insurance shall fix legal minimum standards for the valuation of industrial policies and annuities which shall be valued in accordance therewith. Any life insurance corporation may voluntarily value its policies, or any class thereof, according to the American experience table of mortality at a lower rate of interest than that above prescribed, but not lower than three per centum per annum, and with or without reference to the select and ultimate method of valuation, and in every such case shall report any excess of its valuations over those computed by the said legal minimum standard and also the standards used by it in making the same to the superintendent of insurance in its annual statement, provided that no such standards if adopted shall be abandoned without the consent of the superintendent of insurance first obtained in writing.

§ 25. Section eighty-seven of the insurance law is hereby repealed.

§ 26. The insurance law is hereby amended by the addition of a section to article two thereof to be known as section eighty-seven to read as follows:

§ 87. Contingency reserve.—Any domestic life insurance corporation may accumulate and maintain in addition to an amount

equal to the net values of its policies computed according to the standard adopted by it under section eighty-four of this chapter a contingency reserve not exceeding the following respective percentages of said net values, to wit: When said net values are less than one hundred thousand dollars, twenty per centum thereof or the sum of ten thousand dollars, whichever is the greater; when said net values are greater than one hundred thousand dollars, the percentage thereof measuring the contingency reserve shall decrease one-half of one per centum for each one hundred thousand dollars of said net values up to one million dollars; one-half of one per centum for each additional one million dollars up to ten million dollars; one-half of one per centum for each additional two million five hundred thousand dollars up to twenty million dollars; one-half of one per centum for each additional five million dollars up to fifty million dollars; one-half of one per centum for each additional twenty-five million dollars up to seventy-five million dollars; and if said net values equal or exceed the last mentioned amount, the contingency reserve shall not exceed five per centum thereof; provided that as the net values of said policies increase and the maximum percentage measuring the contingency reserve decreases such corporation may maintain the contingency reserve already accumulated hereunder, although for the time being it may exceed the maximum percentage herein prescribed, but may not add to the contingency reserve when the addition will bring it beyond the maximum percentage. Provided however that nothing herein contained shall be construed to affect any existing surplus or contingency reserves held by any such corporation save that whenever the existing surplus and contingency reserves, exclusive of said net values and of all accumulations held on account of existing deferred dividend policies or groups of such policies, shall exceed the limit above mentioned it shall not be entitled to maintain any additional contingency reserve. Provided further that for cause shown the superintendent of insurance may at any time and from time to time permit any corporation to accumulate and maintain a contingency reserve in excess of the limit above mentioned for a prescribed period, not exceeding one year under any one permission, by filing in his office a decision stating his reasons therefor and causing the same to be published in his next annual report. This section shall not apply to any corporation doing exclusively a non-participating business.

§ 27. Section eighty-eight of the insurance law is hereby amended to read as follows:

§ 88. Surrender value of lapsed or forfeited policies. — Whenever any policy of life insurance issued after January first, eighteen hundred and eighty, and before January first, nineteen hundred and seven, by any domestic life insurance corporation after being in force three full years, shall, by its terms, lapse or become forfeited for the nonpayment of any premium or any note given for a premium or loan made in cash on such policy as security, or of any interest on such note or loan, the reserve on such policy computed according to the American experience table of mortality at the rate of four and one-half per centum per annum shall, on demand made, with surrender of the policy within six months after such lapse or forfeiture, be taken as a single premium of life insurance at the published rates of the corporation at the time the policy was issued, and shall be applied, as shall have been agreed in the application or policy, either to continue the insurance of the policy in force at its full amount so long as such single premium will purchase temporary insurance for that amount, at the age of the insured at the time of lapse or forfeiture, or to purchase upon the same life at the same age paid up insurance payable at the same time and under the same conditions, except as to payments of premiums, as the original policy. If no such agreement be expressed in the application or policy, such single premium may be applied in either of the modes above specified at the option of the owner of the policy, notice of such option to be contained in the demand hereinbefore required to be made to prevent the forfeiture of the policy. The reserve hereinbefore specified shall include dividend additions calculated at the date of the failure to make any of the payments above described according to the American experience table of mortality with interest at the rate of four and one-half per centum per annum after deducting any indebtedness of the insured on account of any annual or semi-annual or quarterly premium then due, and any loan made in cash on such policy, evidence of which is acknowledged by the insured in writing. The net value of the insurance given for such single premium under this section, computed by the standard of this state, shall in no case be less than two-thirds of the entire reserve computed according to the rule prescribed in this section after deducting the indebtedness as specified; but such insurance shall not participate in the profits of the corporation.

If the reserve upon any endowment policy applied according

to the provisions of this section as a single premium of temporary insurance be more than sufficient to continue the insurance to the end of the endowment term named in the policy, and if the insured survive that term, the excess shall be paid in cash at the end of such term, on the conditions on which the original policy was issued.

This section shall not apply to any case of a policy issued before January first, nineteen hundred and seven, where the provisions of the section are specifically waived in the application and notice of such waiver is written or printed in red ink on the margin of the face of the policy when issued. If any policy of life insurance (other than a term policy for twenty years or less), issued on or after January first, nineteen hundred and seven, by any domestic life insurance corporation, after being in force three full years shall by its terms lapse or become forfeited by the non-payment of any premium or any note therefor or any loan on such policy or of any interest on such note or loan, the reserve on such policy computed according to the standard adopted by said company in accordance with section eighty-four of this chapter, together with the value of any dividend additions upon said policy, after deducting any indebtedness to the company and one-fifth of the said entire reserve, or the sum of twenty-five dollars for each one thousand dollars of the face of said policy if said sum shall be more than the said one-fifth, shall upon demand with surrender of the policy be applied as a surrender value as agreed upon in the policy, provided that if no other option expressed in the policy be availed of by the owner thereof, the same shall be applied to continue the insurance in force at its full amount including any outstanding dividend additions less any outstanding indebtedness on the policy, so long as such surrender value will purchase nonparticipating temporary insurance at net single premium rates by the standard adopted by the company, at the age of the insured at the time of lapse or forfeiture, provided in case of any endowment policy if the sum applicable to the purchase of temporary insurance shall be more than sufficient to continue the insurance to the end of the endowment term named in the policy, the excess shall be used to purchase in the same manner pure endowment insurance payable at the end of the endowment term named in the policy on the conditions on which the original policy was issued, and provided further that any attempted waiver of the provisions of this paragraph in any application, policy or otherwise, shall be void, and provided further that any value allowed

in lieu thereof shall be at least equal to the net value of the temporary insurance or of the temporary and pure endowment insurance herein provided for. The term of temporary insurance herein provided for shall include the period of grace, if any.

§ 28. Section eighty-nine of the insurance law is hereby amended to read as follows:

§ 89. **Discriminations prohibited.**— No life insurance corporation doing business in this state shall make any discrimination in favor of individuals of the same class or of the same expectation of life either in the amount of premium charged or in any return of premium, dividends or other advantages. No premium upon any policy of life insurance issued on or after January first, nineteen hundred and seven, shall be charged for term insurance for one year, higher in amount than the premium for term insurance for one year at the same age under any other form of policy issued by such corporation. No agent of any such corporation shall make any contract for insurance or agreement as to such contract other than that which is plainly expressed in the policy issued. No such corporation or agent thereof shall pay or allow, or offer, to pay or allow as an inducement to any person to insure any rebate of premium, or any special favor or advantage whatever, in the dividends to accrue thereon, or any inducement whatever not specified in the policy. If it shall appear to the satisfaction of the superintendent of insurance, after a hearing by him upon due notice, that any corporation is issuing policies or making contracts that are directly or indirectly in violation of this section, he shall, upon the written approval of the attorney-general, require such corporation and its officers and agents to refrain, within twenty days, from making any such policy or contract.

§ 29. Section ninety-two of the insurance law as amended by chapter two hundred and eighteen of the laws of eighteen hundred and ninety-seven is hereby amended to read as follows:

§ 92. **No forfeiture of policy without notice.**— No life insurance corporation doing business in this state shall within one year after the default in payment of any premium, instalment or interest declare forfeited, or lapsed, any policy hereafter issued or renewed, and not issued upon the payment of monthly or weekly premiums, or unless the same is a term insurance contract for one year or less, nor shall any such policy be forfeited, or lapsed, by reason of nonpayment when due of any premium, interest or instalment or any portion thereof required by the terms of the policy to be paid, within one year from the failure to pay such premium,

interest or instalment, unless a written or printed notice stating the amount of such premium, interest, instalment, or portion thereof, due on such policy, the place where it shall be paid, and the person to whom the same is payable, shall have been duly addressed and mailed to the person whose life is insured, or the assignee of the policy, if notice of the assignment has been given to the corporation, at his or her last known postoffice address in this state, postage paid by the corporation, or by any officer thereof, or person appointed by it to collect such premium, at least fifteen and not more than forty-five days prior to the day when the same is payable. The notice shall also state that unless such premium, interest, instalment or portion thereof, then due, shall be paid to the corporation, or to the duly appointed agent or person authorized to collect such premium by or before the day it falls due, the policy and all payments thereon will become forfeited and void except as to the right to a surrender value or paid-up policy as in this chapter provided. If the payment demanded by such notice shall be made within its time limited therefor, it shall be taken to be in full compliance with the requirements of the policy in respect to the time of such payment; and no such policy shall in any case be forfeited or declared forfeited, or lapsed, until the expiration of thirty days after the mailing of such notice. The affidavit of any officer, clerk or agent of the corporation, or of any one authorized to mail such notice that the notice required by this section, has been duly addressed and mailed by the corporation issuing such policy shall be presumptive evidence that such notice has been duly given. No action shall be maintained to recover under a forfeited policy, unless the same is instituted within two years from the day upon which default was made in paying the premium, instalment, interest or portion thereof for which it is claimed that forfeiture ensued.

§ 30. The insurance law is hereby amended by the addition of a new section thereto, to be known as section ninety-four, to read as follows:

§ 94. Election of directors.— At every election of directors in any domestic mutual life insurance corporation, whether incorporated by special act or under general law and anything to the contrary in its charter, certificate of incorporation or by-laws notwithstanding, every policyholder whose insurance shall be in force and shall have been in force for at least one year prior thereto shall be entitled to vote without other qualification. Every such policyholder, and every other person having a right to vote by

virtue of any contract made prior to the enactment of this section which shall remain in force until the date of such election, shall be entitled to vote in person or by proxy or by mail, as herein provided. Except as otherwise now provided with reference to existing policies, every policyholder shall be entitled to one vote only irrespective of the number of policies or the amount of insurance held by him and unless a policy shall have been assigned more than six months prior to the election by an assignment absolute on its face to an assignee other than the corporation which shall have issued the policy the person upon whose application the policy shall have been issued, or if the application be signed by more than one person, the person whose life is insured shall be deemed to be a policyholder entitled to vote as aforesaid; in case a policy shall have been assigned as aforesaid, the assignee shall be deemed to be a policyholder entitled to vote, provided his signature, either attested by the assignor or acknowledged in like manner as in case of a deed to be recorded in this state, shall have been filed at the home office of the corporation which shall have issued the policy. At least five months prior to every such election every such corporation shall file with the superintendent of insurance two full and correct lists of the names and last known postoffice addresses of all policyholders whose insurance was in force twelve months prior to the date fixed for such election, and all other policyholders entitled to vote by virtue of contracts made prior to the enactment of this section. The names of said policyholders shall be arranged on said lists alphabetically and shall be classified by states, territories and possessions of the United States and by foreign countries. Such corporation shall also maintain two similar lists at its home office; and at its general agencies in every state, territory and possession of the United States and in foreign countries, unless prohibited by law, it shall maintain two similar lists of such policyholders residing in such jurisdiction. All said lists shall be subject to inspection and copy at any time during business hours by any policyholder in said corporation or by his authorized representative during the five months prior to such election; provided however, that after such election, or, if no candidate shall have been nominated other than those nominated by the board of directors, then after the time for such independent nominations shall have expired, such lists may be withdrawn by the corporation filing and maintaining the same as aforesaid; and thereafter, prior

to the next election, new lists shall be filed and maintained, subject to inspection and copy, as above provided, which may be similarly withdrawn. Where policyholders of any domestic stock life insurance corporation have become or shall become entitled to vote for directors, they shall be entitled to vote in person, by proxy or by mail, as herein provided and two similar lists of policyholders, qualified to vote, in accordance with the charter or by-laws of such corporation, except the holders of industrial policies, shall be filed and maintained in the office of the superintendent of insurance at the home office and general agencies of such corporation respectively, similarly arranged and similarly subject to inspection and copy and withdrawal as in the case of mutual corporations as above provided. At least five months prior to the date of any election of directors in any such corporation, the board of directors shall nominate candidates for every vacancy to be filled at such election and shall also appoint three persons, jointly or severally, to receive proxies to be voted for said nominees, and shall also file with the superintendent of insurance at its home office and at the office of every general agency above described a certificate of the names of the candidates so nominated and of the persons so designated to receive said proxies which shall be described as the "administration ticket." Any one hundred or more qualified voters of such corporation may make other nominations for one or more vacancies to be filled at any such election by filing with the superintendent of insurance at least three months before the election and at the home office of the corporation a certificate signed and acknowledged, giving the names and addresses of the candidates nominated, the names and addresses of three persons, jointly or severally, designated to receive proxies to be voted for said nominees, and an appropriate name or title designated by the superintendent of insurance to distinguish the ticket from the administration ticket and other nominations. At least two months prior to any such election the corporation shall cause to be mailed to each policyholder whose name shall be upon said list and whose policy shall still be in force, at his last known postoffice address, a statement of the candidates nominated as hereinbefore provided and of the persons so appointed to receive proxies. Such statement shall be conveniently arranged under the names or titles by which the nominations have been designated and shall have printed upon it the name of the company, the postoffice address

of its home office, the number of directors to be elected and the names of those whose terms expire, the date of the election and instructions as herein provided for the use thereof as ballots or for the use of a proxy as herein provided and a designated space for the signatures of the policyholder and of a subscribing witness. There shall be enclosed in such sealed envelope with such statement a suitable return gummed envelope having thereon the name and postoffice address of the home office of the corporation, the words "ballot for directors" and a designated space for the policyholder so voting to write his name, his postoffice address and the number of at least one policy held by him. There shall also be enclosed in such sealed envelope a suitable blank proxy upon which shall be printed a statement of the right of the policyholder to vote either by mail or by proxy as herein provided or in person. No other papers or written or printed matter shall be enclosed in such sealed envelope and specimens of such sealed envelope and enclosures shall be approved by the superintendent of insurance before being so mailed. A policyholder desiring to vote by mail must indicate the name of the nominee or nominees for whom he desires to vote or strike out the name or names of those for whom he does not desire to vote upon the statement so provided or must otherwise suitably indicate in writing the name of the nominee or nominees for whom he desires to vote, and must sign the said statement or other writing in his own handwriting in the presence of a subscribing witness, and the statement when so marked and signed or such other writing when signed shall become a ballot. Such policyholder must enclose the statement so marked or such other writing in such return or a similar envelope upon which must be written his signature in his own handwriting and his postoffice address and the number of at least one policy held by him. Such envelope containing the ballot sealed and postpaid may be mailed by the policyholder to or may be delivered at the home office of the company. No policyholder may vote for more than the number of directors so to be elected and all ballots upon which the intent of the policyholder does not fairly appear shall be void. Any policyholder may vote by proxy executed to any person, whether designated in the certificates filed as aforesaid or otherwise. The execution of a proxy shall be attested by a subscribing witness and the proxy shall set forth the number of at least one policy held by the person giving it. A proxy shall not be valid unless executed within two months prior

to the election and shall be used only at such election or any adjournment thereof and may be revoked by the policyholder giving the same at any time prior to the opening of the polls upon the day of such election. The votes at such election shall be limited to the candidates nominated as aforesaid except that in case of the death or incapacity of any candidate so nominated the board of directors of such corporation, if the candidate was upon the administration ticket, and a majority of the nominators if the candidate was upon an independent ticket, may nominate another candidate in his place by filing a certificate of said nomination with the superintendent of insurance prior to the day set for the election, and if any such certificate of new nomination shall be filed more than ten weeks prior to the election the name of the candidate so selected shall be set forth in the statement of candidates sent out by the company; and if in either case no such new nomination shall be made then a majority of the persons designated to receive proxies for such ticket may at the election cast the votes under proxies held by them for any candidate whom they may select to take the place of the one who has died or become incapacitated. The election shall be by ballot and shall be held at the home office of the company, and the polls shall be opened at ten o'clock in the forenoon and remain open until four o'clock in the afternoon of the day of the election, at which time they shall be closed. The board of directors shall appoint an adequate number of inspectors of election who shall be qualified voters and shall be paid for their services by the company. All votes shall be by ballot and except as herein provided shall be signed by the policyholder in his own handwriting and shall set forth the number of at least one policy held by him. In casting a vote under a proxy the proxy holder or if three or more persons are named jointly in the proxy a majority thereof, shall place his name and address or their names and addresses on the ballot and shall indicate thereon the number of votes offered under the proxy. All envelopes received at the home office of the company marked substantially as "ballot for directors" at any time before the day of election or on that day before the polls are closed shall be preserved intact without opening and before the polls are closed shall be delivered to the inspectors of election. Any person concealing or withholding, or participating in the concealment or withholding, from the inspectors, or not being an inspector, opening or being privy to the opening of any such en-

velope, shall be guilty of a misdemeanor. No ballots received by mail or delivered at the office of the company or offered personally or by proxy after the polls are closed shall be counted. All ballots offered personally or under proxies and all ballots received by mail or delivered at the office of the company as aforesaid before the polls are closed shall be received by the inspectors subject to verification and ascertainment of the validity thereof and of the qualifications of the voter; and immediately upon the closing of the polls the inspectors shall proceed to the examination of the ballots and shall canvass the votes lawfully cast. The canvass shall proceed from day to day and the inspectors shall certify the result to the company as soon as it is completed. One qualified voter designated by a majority of each three persons who shall have been appointed to receive proxies to be voted for tickets nominated as aforesaid may be present during the casting and the canvass of the votes.

All ballots, proxies and envelopes received by the inspectors of election shall immediately upon the completion of the canvass be placed in sealed packages and shall be preserved by the said inspectors for a period of four months subject to the order of any court having jurisdiction of any proceedings relating thereto.

The including by any corporation of the name of any person in any list of policyholders required by this section shall not be construed as an admission by the corporation of the validity of any policy, and no such list shall be competent evidence against the corporation in any action or proceeding in which the question of the validity of any policy or of any claim under it is involved.

§ 31. The insurance law is hereby amended by adding thereto a new section, to be known as section ninety-five, to read as follows:

§ 95. Conversion of a stock life insurance corporation into a mutual corporation.— Any domestic stock life insurance corporation, whether incorporated under a general law or by special act, may be reincorporated under the provisions of this article as a mutual life insurance corporation, and may thereupon by an amendment of its charter provide for the retirement of its capital stock by the payment of an amount fairly determined to be the present value thereof with reference to its par value, the dividends allowed by law thereon and the eventual right, if any, of the stockholders in any accumulations of the corporation; provided, however, that the plan of such retirement: (1) Shall have been adopted

by a vote of a majority of the directors of such corporation; (2) shall have been approved by a vote of stockholders representing a majority of the capital stock at a meeting of stockholders called for the purpose; (3) shall have been submitted to the superintendent of insurance and shall have been approved by him in writing; and (4) shall have been approved by a majority vote at a meeting called for the purpose of policyholders each insured in at least one thousand dollars and whose insurance shall then be in force and shall have been in force for at least one year prior to such meeting. The meeting shall be called by the board of directors and shall be held under the supervision of the superintendent of insurance, and policyholders shall be entitled to cast their votes in person, by proxy or by mail. The votes shall be cast and canvassed in the same manner as provided in the case of election of directors of mutual life insurance corporations so far as the provisions therefor shall be applicable. The notice of said meeting shall contain a concise statement of the proposed plan and contain proper instructions for the indication by the policyholder on a blank provided for the purpose of his approval or disapproval thereof. A plan of retirement of capital stock shall not be approved by the superintendent or be valid unless the corporation after said retirement shall remain possessed of assets sufficient to maintain its deposit theretofore made with the superintendent and not less than the entire liabilities of the corporation, including the net values of its outstanding contracts computed according to the standard adopted by the company under section eighty-four of this chapter, and also all funds, contingent reserves and surplus save so much of the latter as shall have been lawfully devoted under this section to said retirement. Upon the approval of the said plan of retirement as aforesaid said stock shall be retired and canceled and all right on the part of the holders thereof to vote thereon or to receive dividends thereunder shall cease and the said stockholders shall be entitled to receive from the corporation in lieu of their shares of said stock the amounts respectively payable to them in accordance with said plan of retirement, which shall be paid as therein provided. The propriety of said retirement and of the proceedings in connection therewith and the determination by said plan of the amount to be paid as the fair present value of the stock shall be subject to review at the instance of any party in interest, including a stockholder or policyholder, by the supreme court or any other court of competent jurisdiction.

§ 32. The insurance law is hereby amended by adding thereto a new section, to be known as section ninety-six, to read as follows:

§ 96. **Limitation of new business.**—No domestic life insurance corporation, except a corporation more than one-half of the outstanding insurance of which on December thirty-first, nineteen hundred and five, consisted of industrial insurance, shall issue in any year new policies for a larger amount in the aggregate than as follows, to wit: If the total amount of the insurance by said corporation in force on the thirty-first day of December of the preceding year, including only policies upon which the first premiums have actually been received, is in excess of fifty million dollars, the amount of new insurance which may be issued shall be determined by the following percentages of said insurance in force, to wit: If said insurance in force is more than fifty million dollars and less than one hundred million dollars, not more than thirty per centum thereof; if more than one hundred million dollars and less than three hundred million dollars, not more than twenty-five per centum thereof; if more than three hundred million dollars but less than six hundred million dollars, not more than twenty per centum thereof; if more than six hundred million dollars but less than one thousand million dollars, not more than fifteen per centum thereof; and if said amount of insurance in force shall be in excess of one thousand million dollars, not more than one hundred and fifty million dollars of new insurance shall be issued; provided, however, that in the case of any corporation excepted as aforesaid the policies issued in any year, excluding industrial policies, shall not exceed in amount fifty per centum of the total amount of the outstanding insurance on the thirty-first day of December in the year next preceding, including only policies other than industrial policies upon which first premiums have been actually received, nor in any event more than the amount of one hundred and fifty million dollars.

§ 33. The insurance law is hereby amended by adding thereto a new section to be known as section ninety-seven, to read as follows:

§ 97. **Limitation of expenses.**—No domestic life insurance corporation shall in any calendar year after the year nineteen hundred and six expend or become liable for or permit any person, firm or corporation to expend on its behalf or under any agreement with it (1) for commissions on first year's premiums, (2) for compensation, not paid by commission, for services in obtaining

new insurance exclusive of salaries paid in good faith for agency supervision either at the home office or at branch offices, (3) for medical examinations and inspections of proposed risks, and (4) for advances to agents, an amount exceeding in the aggregate the total loadings upon the premiums for the first year of insurance received in said calendar year (calculated on the basis of the American experience table of mortality with interest at the rate of three and one-half per centum per annum) and the present values of the assumed mortality gains for the first five years of insurance on the policies on which the first premium, or instalment thereof, has been received during said calendar year, as ascertained by the select and ultimate method of valuation as provided in section eighty-four of this chapter. No such corporation shall make or incur any expense or permit any expense to be made or incurred upon its behalf or under any agreement with it, except actual investment expenses (not exceeding one-fourth of one per centum of the mean invested assets) and also except taxes on real estate and other outlays exclusively in connection with real estate, in excess of the aggregate amount of the actual loadings upon premiums received in said year calculated according to the standards adopted by the company under section eighty-four of this chapter, and the present values of the assumed mortality gains hereinbefore mentioned. No such corporation, nor any person, firm or corporation on its behalf or under any agreement with it shall pay or allow to any agent, broker or other person, firm or corporation for procuring an application for life insurance, for collecting any premium thereon or for any other service performed in connection therewith any compensation other than that which has been determined in advance. All bonuses, prizes and rewards, and all increased or additional commissions or compensation of any sort based upon the volume of any new or renewed business or the aggregate of policies written or paid for, are prohibited. No such corporation shall pay commissions upon renewal premiums received upon policies issued after the year nineteen hundred and six, in excess of five per centum of the premium annually for nine years after the first year of insurance in the case of endowment policies providing for less than twenty annual premiums, nor in excess of seven and one-half per centum of the premium annually for nine years in the case of other forms of policies; provided that an amount found to be equivalent to the aggregate amount so payable upon a fair com-

mutation approved by the superintendent of insurance and based upon mortality and lapse rates, may be distributed through three or more years, but not more than two-fifths of such amount shall be payable for any one year; provided further that in any agency district subject to the supervision of a local salaried representative the renewal commission payable to agents of such district shall not exceed two-thirds of the foregoing rates annually for nine years, subject to commutation as aforesaid; and also provided that a fee not exceeding two per centum may be paid for the collection of premiums which shall be received for any year after the tenth year of insurance. No such corporation, nor any person, firm or corporation on its behalf or under any agreement with it, shall make any loan or advance to any person, firm or corporation soliciting or undertaking to solicit applications for insurance without adequate collateral security, nor shall any such loan or advance be made upon the security of renewal commissions, or of other compensation earned or to be earned by the borrower except advances against compensation for the first year of insurance. A foreign life insurance corporation which shall not conduct its business within the limitations and in accordance with the requirements imposed by this section upon domestic corporations shall not be permitted to do business within the state. This section shall not apply to expenses made or incurred in the business of industrial insurance nor, except as to the limitation of expenses for the first year of insurance and as to compensation of and loans and advances to agents or solicitors, to stock corporations issuing and representing themselves as issuing nonparticipating policies exclusively.

§ 34. The insurance law is hereby amended by adding thereto a new section, to be known as section ninety-eight, to read as follows:

§ 98. **Salaries of officers and agents; when fixed by board of directors.**— No domestic life insurance corporation shall pay any salary, compensation or emolument to any officer, trustee or director thereof, nor any salary, compensation or emolument amounting in any year to more than five thousand dollars to any person, firm or corporation unless such payment be first authorized by a vote of the board of directors of such life insurance corporation. No such life insurance corporation shall make any agreement with any of its officers, trustees or salaried employees whereby it agrees that for any services rendered or to

be rendered he shall receive any salary, compensation or emolument that will extend beyond a period of twelve months from the date of such agreement. No such corporation shall grant any pension to any officer, director or trustee thereof or to any member of his family after his death.

§ 35. The insurance law is hereby amended by adding thereto a new section, to be known as section ninety-nine, to read as follows:

§ 99. **Vouchers.**— No domestic life insurance corporation shall make any disbursement of one hundred dollars or more unless the same be evidenced by a voucher signed by or on behalf of the person, firm or corporation receiving the money and correctly describing the consideration for the payment, and if the same be for services and disbursements setting forth the services rendered and an itemized statement of the disbursements made, and if it be in connection with any matter pending before any legislative or public body or before any department or officer of any government, correctly describing in addition the nature of the matter and of the interest of such corporation therein, or if such a voucher cannot be obtained by an affidavit stating the reasons therefor and setting forth the particulars above mentioned.

§ 36. The insurance law is hereby amended by adding thereto a new section, to be known as section one hundred, to read as follows:

§ 100. **Investments.**— No domestic life insurance corporation, whether incorporated by special act or under a general law, shall after the first day of June, nineteen hundred and six, invest in or loan upon any shares of stock of any corporation, other than a municipal corporation, nor, excepting government, state or municipal securities, shall it invest in, or loan upon, any bonds or obligations which shall not be secured by adequate collateral security or where more than one-third of the total value of the collateral security therefor shall consist of shares of stock. Every such corporation which on the first day of June, nineteen hundred and six, shall own any shares of stock other than public stocks of municipal corporations, whenever the same shall have been acquired, or any bonds or obligations of the kinds above described where said bonds or obligations shall have been acquired after the first day of March, nineteen hundred and six, shall dispose of the said shares of stock and of said bonds and obligations within five years from the thirty-first day of December, nineteen

hundred and six, and in each year prior to the expiration of said five years shall make such reduction of its holdings of said securities as may be approved in writing by the superintendent of insurance. No investment or loan shall be made by any such life insurance corporation unless the same shall first have been authorized by the board of directors or by a committee thereof charged with the duty of supervising such investment or loan. No such corporation shall subscribe to or participate in any underwriting of the purchase or sale of securities or property, or enter into any transaction for such purchase or sale on account of said corporation jointly with any other person, firm or corporation; nor shall any such corporation enter into any agreement to withhold from sale any of its property, but the disposition of its property shall be at all times within the control of its board of directors. Any such corporation, in addition to other investments allowed by law, may invest any of its funds in any duly authorized bonds or evidences of debt of any city, county, town, village, school district, municipality or other civil division of any state and may loan upon the security of improved unencumbered real property in any state worth fifty per centum more than the amount loaned thereon.

§ 37. The insurance law is hereby amended by adding a new section to be known as section one hundred and one, to read as follows:

§ 101. **Standard forms of policies.**—On and after the first day of January, nineteen hundred and seven, all policies of insurance, other than industrial policies, issued or delivered within this state by any domestic life insurance corporation, shall be in the forms hereby prescribed and not otherwise save as hereinafter provided. There shall be four standard forms of policies, to wit: (1) An ordinary life policy, (2) a limited payment life policy, (3) an endowment policy, and (4) a term policy. The said standard forms shall be as follows:

(1) Ordinary life policy.

NEW YORK STANDARD LIFE INSURANCE POLICY.

ORDINARY LIFE.

Age.....

Amount \$..... Premium \$.....

THE

.....
LIFE INSURANCE COMPANY,

of.....,,

In consideration of.....dollars,
receipt of which is hereby acknowledged, and of the payment of
a like sum upon each.....day ofhereafter
until the death of the insured,

Promises to pay upon receipt at the home office of the com-
pany in.....of due proof of the death
of..... of....., county
of....., state of....., herein called
the insured,dollars after deducting
any indebtedness to the company and any unpaid portion of
the then current year's premium, at said home office to.....
.....beneficiary, with.....right of
revocation.

Change of beneficiary.— Whenever the right of revocation has
been reserved, or in case of the death of the beneficiary under
either a revocable or irrevocable designation, the insured, if there
be no existing assignment of the policy made as herein provided,
may designate a new beneficiary with or without reserving right
of revocation by filing written notice thereof at the home office
of the company, accompanied by the policy for suitable endorse-
ment thereon, and if no beneficiary shall survive the insured the
policy shall be payable to the legal representatives of the insured.

Payment of premiums.—The company will accept payment of premiums at other times than as stated above, as follows:

.....

Except as herein provided the payment of a premium or instalment thereof shall not maintain the policy in force beyond the date when the next premium or instalment thereof is payable.

All premiums are payable in advance at said home office or to any agent of the company upon delivery of a receipt signed by an executive officer of the company and countersigned by said agent.

A grace of thirty days from the day when it would otherwise be payable shall be granted for the payment of every premium after the first, during which time the insurance shall continue in force.

Conditions.—(The policy may here provide for restrictions of liability by reason of travel, occupation, change of residence and suicide, applicable only to one year after the issuance of the policy).

Incontestability.—(The policy shall here provide that it shall be incontestable, except for nonpayment of premiums, either from its date or after one or two years in the following form:)

This policy shall be incontestable, except for nonpayment of premiums,from its date.

If the age of the insured has been understated, the amount payable hereunder shall be such as the premium paid would have purchased at the correct age.

Participation.—This policy shall each year participate in the surplus of the company as provided by the laws of the state of New York now in force.

Dividends.—Dividends at the option of the holder shall on theday of.....of each year be either—

- (1) Payable in cash, or
- (2) Applied toward the payment of any premium or premiums, or
- (3) Applied to the purchase of paid-up additions to the policy, or

(4) Left to accumulate to the credit of the policy with interest at.....per centum per annum and payable at the maturity of the policy, but withdrawable on any anniversary of the policy.

Unless the holder of this policy shall elect otherwise within three months after the mailing by the company of a written notice requiring such election as provided by the laws of the state of New York, the dividends shall be applied to purchase paid-up additions to the policy.

Loans.—The company at any time will advance upon the sole security of this policy, at a rate of interest not greater thanper centum per annum, a sum not exceeding the amount specified in the table of loan values herein set forth after deducting therefrom all other indebtedness to the company. Failure to repay any such advance or interest shall not avoid this policy unless the total indebtedness to the company shall exceed the aggregate of all unpaid dividends and accumulations and of per centum (not less than eighty per centum) of the net value of the policy and all additions thereto, and thirty days notice shall have been given by the company.

Assignment.—No assignment of this policy shall be binding upon the company unless it be filed with the company at its said home office. The company assumes no responsibility as to the validity of any assignment.

Options on surrender or lapse.—After this policy shall have been in force three full years it may be surrendered by the owner at any time prior to any default or within three months after any default. Thereupon,

(1) If there be no indebtedness to the company, the owner may elect (a) to continue the insurance in force at its full amount without participation, or (b) to purchase paid-up insurance payable at the same time and on the same conditions, except as to payment of premiums and participation, as this policy.

The minimum periods for which the insurance will be continued and the minimum amounts of paid-up insurance which will be allowed, exclusive of the application of dividend additions, are shown in the table of surrender values herein set forth.

TABLE OF LOAN AND SURRENDER VALUES.

| Years' Pre- miums paid. | Loan value. | Paid-up Insurance. | CONTINUED INSURANCE. | | |
|----------------------------|-------------|-----------------------|----------------------|---------|-------|
| | | | Years. | Months. | Days. |
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |
| 7 | | | | | |
| 8 | | | | | |
| 9 | | | | | |
| 10 | | | | | |
| 11 | | | | | |
| 12 | | | | | |
| 13 | | | | | |
| 14 | | | | | |
| 15 | | | | | |
| 16 | | | | | |
| 17 | | | | | |
| 18 | | | | | |
| 19 | | | | | |
| 20 | | | | | |

Values for other years will be computed on the same basis and be furnished upon request.

(2) If there be an indebtedness to the company, the owner may elect (a) to have the amount which otherwise would be applicable as a surrender value to the purchase of temporary insurance for the period aforesaid, less the indebtedness, applied to continue the insurance in force without participation for the full amount of this policy and dividend additions less the indebtedness, or (b) to have the amount which otherwise would be applicable as a surrender value to the purchase of nonparticipating paid-up insurance as aforesaid, less the indebtedness, applied to the purchase of a proportionate amount of paid-up insurance.

If in the event of any default in the payment of premium or otherwise, after the policy shall have been in force three full years, the owner shall not exercise either of said options within three months after such default, the insurance shall be continued as provided in one of options (a).

In any case of continued temporary insurance under any of the above provisions this policy upon satisfactory evidence of insurability may be reinstated during the term for which the insurance is continued, but within the first three years of said term, by written application therefor at the home office of the company and by payment of arrears of premiums and of whatever indebtedness to the company existed at the date of surrender or default, with interest at a rate not exceeding per centum per annum.

Modes of settlement.—The insured, or in case the insured shall not have elected the beneficiary after his death, by written notice to the company at its home office, may elect to have the total sum payable under his policy upon the death of the insured paid either in cash or as follows:

(1) By the payment of an annuity equal to per centum of such total sum payable at the end of each year during the lifetime of the beneficiary, and by the payment upon the death of the beneficiary of the said total sum, together with any accrued portion of the annuity for the year then current, unless otherwise directed in said notice, to the beneficiary's legal representatives or assigns.

(2) By the payment of equal annual instalments for a specified number of years, the first instalment being payable immediately, in accordance with the following table for each one thousand dollars of said total sum.

(3) By the payment of equal annual instalments payable at the end of each year for a fixed period of twenty years and so many years longer as the beneficiary shall survive, in accordance with the following table for each one thousand dollars of said total sum.

Any instalments payable under (2) or (3) which shall not have been paid prior to the death of the beneficiary shall be paid unless otherwise directed in said notice, to the beneficiary's legal representatives or assigns.

Unless otherwise specified by the insured or by the beneficiary in making such election, the beneficiary may at any time surrender the agreement for the payment of an annuity or such instalments for the commuted value of payments yet to be made, computed upon the same basis as the following table; provided that no such surrender and commutation will be made under (3) unless the good health of the beneficiary is shown to the satisfaction of the company.

TABLE OF INSTALMENTS.

| Years. | OPTION (2). Instalment. | Age of Beneficiary at death of insured. | OPTION (3). Instalment. |
|--------|----------------------------|--|----------------------------|
|--------|----------------------------|--|----------------------------|

In witness whereof the company has caused this policy to be executed this day of

(2) Limited payment life policy.

NEW YORK STANDARD LIFE INSURANCE POLICY.

LIMITED PAYMENT LIFE.

Age

Amount \$..... Premium \$.....

THE

.....

LIFE INSURANCE COMPANY,

of,

In consideration of dollars, receipt of which is hereby acknowledged, and of the payment of a like sum upon each day of hereafter until full years' premiums shall have been paid or until the prior death of the insured,

Promises to pay upon receipt at the home office of the company in of due proof of the death of, of, county of, state of, herein called the insured, dollars after deducting any indebtedness to the company and any unpaid portion of the then current year's premium, at said home office to beneficiary, with right of revocation.

Change of beneficiary.—Whenever the right of revocation has been reserved, or in case of the death of the beneficiary under either a revocable or irrevocable designation, the insured, if there be no existing assignment of the policy made as herein provided, may designate a new beneficiary with or without reserving right of revocation by filing written notice thereof at the home office of the company, accompanied by the policy for suitable indorsement thereon, and if no beneficiary shall sur-

vive the insured the policy shall be payable to the legal representatives of the insured.

Payment of premiums.—The company will accept payment of premiums at other times than as stated above, as follows:

.....

Except as herein provided the payment of a premium or instalment thereof shall not maintain the policy in force beyond the date when the next premium or instalment thereof is payable. All premiums are payable in advance at said home office or to any agent of the company upon delivery of a receipt signed by an executive officer of the company and countersigned by said agent.

A grace of thirty days from the day when it would otherwise be payable shall be granted for the payment of every premium after the first during which time the insurance shall continue in force.

Conditions.—(The policy may here provide for restrictions of liability by reason of travel, occupation, change of residence and suicide, applicable only to one year after the issuance of the policy.)

Incontestability.—(The policy shall here provide that it shall be incontestable, except for nonpayment of premiums, either from its date or after one or two years, in the following form:)

This policy shall be incontestable, except for nonpayment of premiums, from its date.

If the age of the insured has been understated, the amount payable hereunder shall be such as the premium paid would have purchased at the correct age.

Participation.—This policy shall each year participate in the surplus of the company as provided by the laws of the state of New York now in force.

Dividends.—Dividends at the option of the holder shall on the day of of each year be either —

(1) Payable in cash, or

(2) Applied toward the payment of any premium or premiums; or

(3) Applied to the purchase of paid-up additions to the policy, or

(4) Left to accumulate to the credit of the policy with interest at per centum per annum and payable at the maturity of the policy, but withdrawable on any anniversary of the policy.

Unless the holder of this policy shall elect otherwise within three months after the mailing by the company of a written notice requiring such election as provided by the laws of the state of New York, the dividends shall be applied to purchase paid-up additions to the policy.

Loans.—The company at any time will advance upon the sole security of this policy, at a rate of interest not greater than per centum per annum, a sum not exceeding the amount specified in the table of loan values herein set forth after deducting therefrom all other indebtedness to the company. Failure to repay any such advance or interest shall not avoid this policy unless the total indebtedness to the company shall exceed the aggregate of all unpaid dividends and accumulations and of per centum (not less than eighty per centum) of the net value of the policy and all additions thereto, and thirty days' notice shall have been given by the company.

Assignment.—No assignment of this policy shall be binding upon the company unless it be filed with the company at its said home office. The company assumes no responsibility as to the validity of any assignment.

Options on surrender or lapse.—After this policy shall have been in force three full years it may be surrendered by the owner at any time prior to any default or within three months after any default. Thereupon,

(1) If there be no indebtedness to the company, the owner may elect (a) to continue the insurance in force at its full amount without participation, or (b) to purchase paid-up insurance payable at the same time and on the same conditions, except as to payment of premiums and participation, as this policy.

The minimum periods for which the insurance will be continued and the minimum amounts of paid-up insurance which will be allowed, exclusive of the application of dividend additions, are shown in the table of surrender values herein set forth.

TABLE OF LOAN AND SURRENDER VALUES.

| Years' Premiums paid. | Loan value. | Paid-up Insurance. | CONTINUED INSURANCE. | | |
|-----------------------|-------------|--------------------|----------------------|---------|-------|
| | | | Years. | Months. | Days. |
| 1 | | | | | |
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Values for other years will be computed on the same basis and be furnished upon request.

(2) If there be an indebtedness to the company, the owner may elect (a) to have the amount which otherwise would be applicable as a surrender value to the purchase of temporary insurance for the period aforesaid, less the indebtedness, applied to continue the insurance in force without participation for the full amount of this policy and dividend additions less the indebtedness, or (b) to have the amount which otherwise would be applicable as a surrender value to the purchase of nonparticipating paid-up insurance as aforesaid, less the indebtedness, applied to the purchase of a proportionate amount of paid-up insurance. If in the event of any default in the payment of premium or otherwise, after the policy shall have been in force three full years, the owner shall not exercise either of said options within three months after such default, the insurance shall be continued as provided in one of options (a).

In any case of continued temporary insurance under any of the above provisions this policy upon satisfactory evidence of insurability may be reinstated during the term for which the insurance is continued, but within the first three years of said term, by written application therefor at the home office of the company and by payment of arrears of premiums and of whatever indebtedness to the company existed at the date of surrender or default, with interest at a rate not exceeding per centum per annum.

Modes of settlement.— The insured, or in case the insured shall not have elected the beneficiary after his death, by written notice to the company at its home office, may elect to have the total sum payable under this policy upon the death of the insured either in cash or as follows:

(1) By the payment of an annuity equal to per centum of such total sum payable at the end of each year during the lifetime of the beneficiary, and by the payment upon the death of the beneficiary of the said total sum, together with any accrued portion of the annuity for the year then current, unless otherwise directed in said notice, to the beneficiary's legal representatives or assigns.

(2) By the payment of equal annual instalments for a specified number of years, the first instalment being payable immediately, in accordance with the following table for each one thousand dollars of said total sum.

(3) By the payment of equal annual instalments payable at the end of each year for a fixed period of twenty years and so many years longer as the beneficiary shall survive, in accordance with the following table for each one thousand dollars of said total sum.

Any instalments payable under (2) or (3) which shall not have been paid prior to the death of the beneficiary shall be paid unless otherwise directed in said notice to the beneficiary's legal representatives or assigns.

Unless otherwise specified by the insured or by the beneficiary in making such election, the beneficiary may at any time surrender the agreement for the payment of an annuity or such instalments for the commuted value of payments yet to be made, computed upon the same basis as the following table; provided that no such surrender and commutation will be made under (3) unless the good health of the beneficiary is shown to the satisfaction of the company.

TABLE OF INSTALMENTS.

| Years. | Office (\$). | Instalment. | Office (\$). | Instalment. |
|--------|--------------|-------------|---|-------------|
| | | | Age of Beneficiary at death of insured. | |

In witness whereof the company has caused this policy to be executed this day of

(3) Endowment policy.

NEW YORK STANDARD LIFE INSURANCE POLICY.

ENDOWMENT.

Age

Amount \$.....

..... Premium \$.....

THE

.....

LIFE INSURANCE COMPANY,

of.....,

In consideration of.....dollars, receipt of which is hereby acknowledged, and of the payment of a like sum upon each day of hereafter until full years' premiums shall have been paid or until the prior death of the insured,

Promises to pay at the home office of the company in..... to.....of....., county of....., state of....., herein called the insured, on theday of....., if the insured be then living, or upon receipt at said home office of due proof of the prior death of the insured, to.....beneficiary, with.....right of revocation,dollars, after deducting any indebtedness to the company and any unpaid portion of the then current year's premium.

Change of beneficiary.—Whenever the right of revocation has been reserved, or in case of the death of the beneficiary under either a revocable or irrevocable designation, the insured, if there be no existing assignment of the policy made as herein provided, may designate a new beneficiary with or without reserving right of revocation by filing written notice thereof at the home office of the company, accompanied by the policy for suitable indorse-

ment thereon, and if no beneficiary shall survive the insured the policy shall be payable to the legal representatives of the insured.

Payment of premiums.— The company will accept payment of premiums at other times than as stated above, as follows:

.....

Except as herein provided the payment of a premium or instalment thereof shall not maintain the policy in force beyond the date when the next premium or instalment thereof is payable.

All premiums are payable in advance at said home office or to any agent of the company upon delivery of a receipt signed by an executive officer of the company and countersigned by said agent.

A grace of thirty days from the day when it would otherwise be payable shall be granted for the payment of every premium after the first, during which time the insurance shall continue in force.

Conditions.— (The policy may here provide for restrictions of liability by reason of travel, occupation, change of residence and suicide, applicable only to one year after the issuance of the policy.)

Incontestability.— (The policy shall here provide that it shall be incontestable, except for nonpayment of premiums, either from its date or after one or two years, in the following form:)

This policy shall be incontestable, except for nonpayment of premiums, from its date.

If the age of the insured has been understated, the amount payable hereunder shall be such as the premium paid would have purchased at the correct age.

Participation.— This policy shall each year participate in the surplus of the company as provided by the laws of the state of New York now in force.

Dividends.— Dividends at the option of the holder shall on the day of of each year be either —

(1) Payable in cash, or

(2) Applied toward the payment of any premium or premiums,

or

(3) Applied to the purchase of paid-up additions to the policy,
or

(4) Left to accumulate to the credit of the policy with interest at.....per centum per annum and payable at the maturity of the policy, but withdrawable on any anniversary of the policy.

Unless the holder of this policy shall elect otherwise within three months after the mailing by the company of a written notice requiring such election as provided by the laws of the state of New York, the dividends shall be applied to purchase paid-up additions to the policy.

Loans.—The company at any time will advance upon the sole security of this policy, at a rate of interest not greater than per centum per annum, a sum not exceeding the amount specified in the table of loan values herein set forth after deducting therefrom all other indebtedness to the company. Failure to repay any such advance or interest shall not avoid this policy unless the total indebtedness to the company shall exceed the aggregate of all unpaid dividends and accumulations and of per centum (not less than eighty per centum) of the net value of the policy and all additions thereto, and thirty days' notice shall have been given by the company.

Assignment.—No assignment of this policy shall be binding upon the company unless it be filed with the company at its said home office. The company assumes no responsibility as to the validity of any assignment.

Options on surrender or lapse.—After this policy shall have been in force three full years it may be surrendered by the owner at any time prior to any default or within three months after any default. Thereupon,

(1) If there be no indebtedness to the company the owner may elect (a) to continue the insurance in force at its full amount without participation and if the sum applicable to the purchase of temporary insurance shall be more than sufficient to continue the insurance to the end of the endowment term named in the policy the excess shall be used to purchase in the same manner pure endowment insurance payable at the end of the endowment term and on the same conditions, except as to the payment of premiums and participation, as this policy, or (b) to purchase paid-up insurance payable at the same time and on the same conditions, except as to the payment of premiums and participation, as this policy.

The minimum periods for which the insurance will be continued and the minimum amounts of pure endowment and paid-up insurance which will be allowed, exclusive of the application of dividend additions, are shown in the table of surrender values herein set forth.

TABLE OF LOAN AND SURRENDER VALUES.

| Years' Premiums paid. | Loan value. | Paid-up Endowment Insurance | CONTINUED INSURANCE. | | | Pure Endowment. |
|-----------------------|-------------|-----------------------------|----------------------|---------|-------|-----------------|
| | | | Years. | Months. | Days. | |
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
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Values for other years will be computed on the same basis and be furnished upon request.

(2) If there be an indebtedness to the company, the owner may elect (a) to have the amount which otherwise would be applicable as a surrender value to the purchase of temporary insurance for the period aforesaid, less the indebtedness, applied to continue the insurance in force without participation for the full amount of this policy and dividend additions less the indebtedness, and to have any excess applied to the purchase of pure endowment insurance as aforesaid, or (b) to have the amount which otherwise would be applicable as a surrender value to the purchase of nonparticipating paid-up insurance as aforesaid, less the indebt-

edness, applied to the purchase of a proportionate amount of paid-up insurance.

If in the event of any default in the payment of premium or otherwise, after the policy shall have been in force three full years, the owner shall not exercise either of said options within three months after such default, the insurance shall be continued as provided in one of options (a).

In any case of continued temporary insurance under any of the above provisions this policy upon satisfactory evidence of insurability may be reinstated during the term for which the insurance is continued, but within the first three years of said term, by written application therefor at the home office of the company, and by payment of arrears of premiums and of whatever indebtedness to the company existed at the date of surrender or default, with interest at a rate not exceeding per centum per annum.

Modes of settlement.—The insured, or in the case the insured shall not have elected the beneficiary after his death, by written notice to the company at its home office, may elect to have the total sum payable under this policy upon the death of the insured paid either in cash or as follows:

(1) By the payment of an annuity equal to per centum of such total sum payable at the end of each year during the lifetime of the beneficiary, and by the payment upon the death of the beneficiary of the said total sum, together with any accrued portion of the annuity for the year then current, unless otherwise directed in said notice, to the beneficiary's legal representatives or assigns.

(2) By the payment of equal annual instalments for a specified number of years, the first instalment being payable immediately, in accordance with the following table for each one thousand dollars of said total sum.

(3) By the payment of equal annual instalments payable at the end of each year for a fixed period of twenty years and so many years longer as the beneficiary shall survive, in accordance with the following table for each one thousand dollars of said total sum.

Any instalments payable under (2) or (3) which shall not have been paid prior to the death of the beneficiary shall be paid unless otherwise directed in said notice to the beneficiary's legal representatives or assigns.

Upon the maturity of this policy as an endowment the insured, by written notice to the company at its home office may elect to

have the total sum payable hereunder, paid either in cash or in one of the following methods, designating whether the payment shall be made to the insured or to the beneficiary or to them both jointly as herein provided:

(4) By the payment of an annuity equal to.....per centum of the total sum payable at the end of each year either to the insured for life or to the beneficiary for life, or to both during their joint lives and to the survivor during life, and by the payment upon the death of the payee or surviving payee of the said total sum, together with any accrued portion of the annuity for the year then current, unless otherwise directed in said notice, to his legal representatives or assigns.

(5) By the payment of equal annual instalments for a specified number of years, the first instalment being payable immediately, in accordance with the following table for each one thousand dollars of said total sum, either to the insured or to the beneficiary or to both jointly and the survivor.

(6) By the payment to the insured or to the beneficiary of equal annual instalments payable at the end of each year for a fixed period of twenty years and so many years longer as the payee shall survive, in accordance with the following table for each one thousand dollars of said total sum.

(7) By the payment to the insured and to the beneficiary jointly and to the survivor of equal annual instalments payable at the end of each year for a fixed period of twenty years and so many years longer as they or either of them shall live, computed by the same mortality table and rate of interest as used in computing the amounts to be paid under options (3) and (6).

Any instalments payable under (5), (6) or (7) which shall not have been paid prior to the death of the payee or surviving payee shall be paid, unless otherwise directed in said notice, to his legal representatives or assigns.

Unless otherwise specified by the insured or by the beneficiary in making such election, the payee or payees under said election may at any time surrender the agreement for the payment of an annuity or instalments for the commuted value of payments yet to be made, computed upon the same basis as the following table, provided that no such surrender and commutation will be made under (3), (6) or (7) unless the good health of the payee or payees is shown to the satisfaction of the company.

TABLE OF INSTALLMENTS.

| Years. | Options (3) AND (5). Installment. | Options (3) AND (5). Age of payee when policy becomes payable. | Installment. |
|--------|--------------------------------------|--|--------------|
|--------|--------------------------------------|--|--------------|

In witness whereof the company has caused this policy to be executed this.....day of
(4) Term policy.

NEW YORK STANDARD LIFE INSURANCE POLICY.

TERM.

Age.....

Amount \$.....Premium \$.....

THE

LIFE INSURANCE COMPANY,

of.....,

In consideration of.....dollars, receipt of which is hereby acknowledged, and of the payment of a like sum upon each.....day of.....hereafter during the term of..... years or until the prior death of the insured,

Promises to pay upon receipt at the home office of the company in.....of due proof of the death within..... years from the date hereof ofof....., county of....., state of....., herein called the insured, dollars, after deducting any indebtedness to the company and any unpaid portion of the then current year's premium, at said home office to beneficiary, with.....right of revocation.

Change of beneficiary.—Whenever the right of revocation has been reserved, or in case of the death of the beneficiary under either a revocable or irrevocable designation, the insured, if there be no existing assignment of the policy made as herein provided, may designate a new beneficiary with or without reserving right of revocation by filing written notice thereof at the home office of the company, accompanied by the policy for suitable endorsement thereon, and if no beneficiary shall survive the insured the policy shall be payable to the legal representatives of the insured.

Payment of premiums.— The company will accept payment of premiums at other times than as stated above, as follows:

.....

Except as herein provided the payment of a premium or instalment thereof shall not maintain the policy in force beyond the date when the next premium or instalment thereof is payable.

All premiums are payable in advance at said home office or to any agent of the company upon delivery of a receipt signed by an executive officer of the company and countersigned by said agent.

A grace of thirty days from the day when it would otherwise be payable shall be granted for the payment of every premium after the first, during which time the insurance shall continue in force.

Conditions.— (The policy may here provide for restrictions of liability by reason of travel, occupation, change of residence and suicide, applicable only to one year after the issuance of the policy).

Incontestability.— (The policy shall here provide that it shall be incontestable, except for nonpayment of premiums, either from its date or after one or two years, in the following form:)

This policy shall be incontestable, except for nonpayment of premiums,from its date.

If the age of the insured has been understated, the amount payable hereunder shall be such as the premium paid would have purchased at the correct age.

Participation.— This policy shall each year participate in the surplus of the company as provided by the laws of the state of New York now in force.

Dividends.— Dividends at the option of the holder shall on theday of.....of each year be either —

(1) Payable in cash, or

(2) Applied toward the payment of any premium or premiums.

(The policy, at the option of the company, may here provide for a further option as follows:)

(3) Left to accumulate to the credit of the policy with interest at.....per centum per annum and payable at the maturity of the policy, or at the expiration of the term, but withdrawable on any anniversary of the policy.

Unless the holder of this policy shall elect otherwise within three months after the mailing by the company of a written notice requiring such election as provided by the laws of the state of New York, the dividends shall be applied to the payment of premiums.

(The policy may here provide at the option of the company for its renewal or for the privilege of change to other forms of policies in the following form:)

Privilege of renewal.— The insured, if under the age of sixty-five years, may renew this policy for further terms of years each by written notice to the company at its said home office on or before the expiration of the insurance hereunder and by paying the premiums to be fixed by the age on the birthday nearest to the date of such renewal in accordance with the following table for each one thousand dollars of insurance; if the insured shall be over the age of sixty-five years the policy may be renewed as an ordinary life policy upon similar notice by paying premiums during life in accordance with the following table for each one thousand dollars of insurance:

TABLE OF PREMIUMS FOR RENEWALS.

| Attained age. |Years' term premium for each \$1,000.....in ad- vance. | Attained age. | Ordinary life premium for each \$1,000.....in ad- vance. |
|---------------|---|---------------|--|
|---------------|---|---------------|--|

Privilege of change to other forms of policies.— The insured may exchange this policy for a participating policy for the same amount or any less amount upon a life, limited payment life or endowment plan upon any anniversary of the policy or within the thirty days of grace by surrendering the policy to the company at said home office with written notice of the election and by paying the premiums to be fixed by the age on the birthday nearest to the date of such exchange, according to the rates of the company then in force. On such exchange the company will apply the net value of this policy computed in accordance with the standard adopted by the company under section eighty-four of the insurance law of the state of New York, together with all dividends and accumulations, toward the payment of premiums upon the new policy.

Assignment.—No assignment of this policy shall be binding upon the company unless it be filed with the company at its said home office. The company assumes no responsibility as to the validity of any assignment.

(If the term of the policy is for more than twenty years, the company shall and if for a less term the company may provide for continuance of insurance on surrender or lapse in the following form:)

Continuance of insurance on surrender or lapse.—After this policy shall have been in force three full years it may be surrendered by the owner at any time prior to any default or within three months after any default. Thereupon the insurance shall be continued in force at its full amount without participation, for the periods mentioned in the following table:

TABLE OF SURRENDER VALUES.

| Years' Premiums paid. | CONTINUED INSURANCE. | | |
|-----------------------|----------------------|---------|-------|
| | Years. | Months. | Days. |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
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Values for other years will be computed on the same basis and be furnished upon request.

Upon satisfactory evidence of insurability this policy may be reinstated during the term for which the insurance shall be continued as aforesaid, but within the first three years of said term by written application therefor at the home office of the company and by payment of arrears of premiums with interest at a rate not exceeding.....per centum per annum.

Modes of settlement.— The insured, or in case the insured shall not have elected the beneficiary after his death, by written notice to the company at its home office, may elect to have the total sum payable under this policy upon the death of the insured paid either in cash or as follows:

(1) By the payment of an annuity equal to per centum of such total sum payable at the end of each year during the lifetime of the beneficiary, and by the payment upon the death of the beneficiary of the said total sum, together with any accrued portion of the annuity for the year then current, unless otherwise directed in said notice, to the beneficiary's legal representatives or assigns.

(2) By the payment of equal annual instalments for a specified number of years, the first instalment being payable immediately in accordance with the following table for each one thousand dollars of said total sum.

(3) By the payment of equal annual instalments payable at the end of each year for a fixed period of twenty years and so many years longer as the beneficiary shall survive, in accordance with the following table for each one thousand dollars of said total sum.

Any instalments payable under (2) or (3) which shall not have been paid prior to the death of the beneficiary shall be paid unless otherwise directed in said notice to the beneficiary's legal representatives or assigns.

Unless otherwise specified by the insured or by the beneficiary in making such election, the beneficiary may at any time surrender the agreement for the payment of an annuity or such instalments for the commuted value of payments yet to be made, computed upon the same basis as the following table; provided that no such surrender and commutation will be made under (3) unless the good health of the beneficiary be shown to the satisfaction of the company.

TABLE OF INSTALMENTS.

| Years. | OPTION (\$). Instalment. | OPTION (\$). Age of Beneficiary at death of insured. | Instalment. |
|--------|-----------------------------|--|-------------|
|--------|-----------------------------|--|-------------|

In witness whereof the company has caused this policy to be executed this.....day of.....

The standard forms above provided, or any one or more of them, may be altered or amended by the direction of the superintendent of insurance at any time prior to the first day of October, nineteen hundred and six, by direction filed in his office stating the reasons therefor, and if any such alteration or amendment is made the superintendent shall promulgate the amended form or forms on said date.

Whenever any domestic life insurance corporation shall desire to issue or deliver within this state any kind of policy other than ordinary life, limited payment life, endowment and term policies, it shall submit a proposed form of policy to the superintendent of insurance who shall thereupon fix a day for a hearing upon said application and cause notice thereof to be given to every domestic life insurance corporation; and the superintendent may after such hearing approve the said form, with or without modifications thereof as may seem to him expedient and establish the same as a standard form of policy which any domestic life insurance corporation shall be entitled to use in addition to the forms hereby prescribed. Forms of policies so approved by the superintendent may be changed from time to time upon the application of any domestic life insurance corporation upon similar request and after a hearing upon similar notice. It shall be lawful for any corporation issuing exclusively nonparticipating policies to incorporate in any of said standard forms a provision that the said policy shall be nonparticipating and to omit therefrom clauses providing for participation in the surplus of the company.

Nothing herein contained shall authorize the superintendent of insurance in amending or altering the standard forms hereinbefore prescribed or in establishing any additional standard form of policy as hereinbefore provided to approve any alteration of or amendment to any form above prescribed or any new form, or provision or omission from any form, or by any such approval to give validity to any amendment, alteration, provision or omission, which shall be in conflict with any of the provisions of the insurance law.

Anything herein contained to the contrary notwithstanding, any domestic life insurance corporation may issue and deliver in any other state or in any foreign country or may issue in this state for delivery in any other state or any foreign country any form of policy not inconsistent with any of the provisions of the insurance law.

§ 38. The insurance law is hereby amended by adding thereto a new section, to be known as section one hundred and two, to read as follows:

§ 102. Companies issuing participating policies not to do a non-participating business.—On and after the first day of January, nineteen hundred and seven, no domestic mutual life insurance corporation and no domestic stock life insurance corporation hereafter issuing or professing to issue any participating policies, shall issue any policies, except annuities, which do not by their terms give to the holders thereof full right to participate in the accumulations of said corporation as provided in this chapter. This section shall not apply to paid-up or temporary and pure endowment insurance issued or granted in exchange for lapsed or surrendered policies.

§ 39. The insurance law is hereby amended by adding thereto a new section to be known as section one hundred and three, to read as follows:

§ 103. Annual reports of life insurance corporations.—In addition to any other matter which may be required by law or pursuant to law by the superintendent of insurance to be stated therein every annual report of every life insurance corporation doing business in the state of New York, made pursuant to section forty-four of this chapter, shall contain an accurate, concise and complete statement of the following matters, to wit: (1) All the real property held by the corporation, the dates of acquisition, the names of the vendors, the actual cost, the value at which it is carried on the company's books, the market value, the amounts expended during the year for repairs and improvements, the gross and net income from each parcel, and if any portion thereof be occupied by the company the rental value thereof, a statement of any certificate issued by the superintendent extending the time for the disposition thereof, and all purchases and sales made since the last annual statement, with particulars as to dates, names of vendors and vendees, and the consideration. (2) The amount of existing loans upon the security of real property, stating the amount loaned upon prop-

erty in each state and foreign country. (3) The moneys loaned by the corporation to any person other than loans upon the security of real property above mentioned and other than loans upon policies the actual borrowers thereof, the maturity and rate of interest of such loans, the securities held therefor, and all substitutions of securities in connection therewith, and the same particulars with reference to any loans made or discharged since the last annual statement. (4) All other property owned by the company or in which it has any interest (including all securities, whether or not recognized by the law as proper investments), the dates of acquisition, from whom acquired, the actual cost, the value at which the property is carried upon the books, the market value, the interest or dividends received thereon, during the year; also all purchases and sales of property other than real estate made since the last annual statement, with particulars as to dates, names of purchasers and sellers, and the consideration; and also the income received and outlays made in connection with all such property. (5) All commissions paid to any persons in connection with loans or purchases or sales of any property, and a statement of all payments for legal expenses, giving particulars as to dates, amounts and names and addresses of payees. (6) All moneys expended in connection with any matter pending before any legislative body or any officer or department of government, giving particulars as to dates, amounts, names and addresses of payees, the measure or proceeding in connection with which the payment was made, and the interest of the corporation therein. (7) The names of the officers and directors of the company, the proceedings at the last annual election, giving the names of candidates and the number of votes cast for each and whether in person, by proxy or by mail. (8) The salary, compensation and emoluments received by officers or directors and where the same amounts to more than five thousand dollars that received by any person, firm or corporation, with particulars as to dates, amounts, payees and the authority by which the payment was made; also all salaries paid to any representative either at the home office, or at any branch office, or agency, for agency supervision. (9) The largest balances carried in each bank or trust company during each month of the year. (10) All death claims resisted or compromised during the year, with particulars as to sums insured, sums paid and reasons assigned for resisting or compromising the same in each case. (11) A complete statement of the profits and losses upon the business

transacted during the year and the sources of such gains and losses, and a statement showing separately the margins upon premiums for the first year of insurance ascertained according to the select and ultimate method of valuation as provided in section eighty-four of this chapter and the actual expenses chargeable to the procurement of new business incurred since the last annual statement, as enumerated in section ninety-seven of this article. A foreign corporation, issuing both participating and nonparticipating policies, shall make a separate statement of profits and losses, margins and expenses, as aforesaid, with reference to each of said kinds of business, and also showing the manner in which any general outlays of the company have been apportioned to each of such kinds of business. (12) A statement separately showing the amount of the gains of the company for the year attributable to policies written after December thirty-first, nineteen hundred and six, and the precise method by which the calculation has been made. (13) The rates of annual dividends declared during the year for all plans of insurance and all durations and for ages at entry, twenty-five, thirty-five, forty-five and fifty-five, and the precise method by which such dividends have been calculated. (14) A statement showing the rates of dividends declared upon deferred dividend policies completing their dividend periods for all plans of insurance and the precise methods by which said dividends have been calculated. (15) A statement showing any and all amounts set apart or provisionally ascertained or calculated or held awaiting apportionment upon policies with deferred dividend periods longer than one year for all plans of insurance and all durations and for ages of entry as aforesaid, together with the precise statements of the methods of calculation by which the same have been provisionally or otherwise determined. (16) A statement of any and all reserve or surplus funds held by the company and for what purpose they are claimed respectively to be held.

§ 40. Section two hundred of the insurance law is hereby amended to read as follows:

§ 200. Incorporation.—Nine or more persons may become a corporation for the purpose of transacting the business of life or casualty insurance, or both, upon the cooperative or assessment plan, fraternal or nonfraternal, by filing in the office of the superintendent of insurance a declaration signed by each of them and duly acknowledged, setting forth their intention to form a cor-

poration for the transaction of life or casualty insurance, or both, upon the cooperative or assessment plan, the name of the proposed corporation, the place where its principal office shall be located within the state, the mode in which its corporate powers are to be exercised and of electing directors or other persons, by whatsoever name or title designated, who are to have and exercise the general control and management of its affairs and of its funds, which election shall be in such manner as shall be prescribed by its by-laws, or in case of fraternal societies, by representatives chosen by subordinate lodges, councils or bodies, who shall be members of such societies and a majority of them citizens of this state. Such declaration shall have indorsed thereon or annexed thereto and as a part thereof, the sworn statement of three of such persons that at least two hundred persons eligible under the proposed laws of the corporation to membership therein have in good faith made application in writing for membership. If all the requirements of this chapter have been complied with, the superintendent shall file such declaration and record it with the certificate of the attorney-general, in a book to be kept for that purpose, and deliver to the corporation a certified copy of the papers so filed and recorded, with his license in writing to the corporation to engage in the business proposed in the declaration, which certified copy and license shall be filed in the office of the clerk of the county where the office of the corporation is to be located. Such corporation shall not commence the business of insurance until at least two hundred persons have subscribed in writing to be insured therein in the aggregate amount of at least four hundred thousand dollars, and have each paid in two per centum on the amount of the insurance severally subscribed for in cash, and the same is deposited in bank to the credit of the mortuary fund to be held in trust for the benefit of the beneficiaries, and the superintendent of insurance shall have further certified that it has complied with the provisions of this chapter, and is authorized to transact business. Provided, however, that no such corporation other than a fraternal corporation shall be formed nor any such license or certificate be granted or issued by the superintendent of insurance after June first, nineteen hundred and six.

§ 41. Section two hundred and four of the insurance law is hereby amended to read as follows:

§ 204. Foreign corporations.— No such corporation, association or society organized under the laws of any other state or terri-

tory of the United States or District of Columbia, or foreign countries, except such secret fraternal societies having subordinate lodges or councils as are now authorized to transact business within this state with the consent of the superintendent, shall transact business herein until it has received from the superintendent of insurance a certificate of authority to do business in this state, a duplicate of which shall be filed in his office. The superintendent shall annually issue to such foreign corporation, association or society renewal certificates of authority to continue its business, if its annual report is satisfactory to him, which certificate shall be filed in the office of the clerk of the county where its principal office is located within this state, within sixty days after filing such annual report, and no such foreign corporation, associations or society, except secret fraternal societies above specified, shall be authorized to continue such business after the expiration of such sixty days unless such certificate shall have been so received and filed. The superintendent shall refuse a certificate of authority or a renewal of the same to any such foreign corporation, association or society, except such secret fraternal societies, when, in his judgment, such refusal will best promote the public interests, or when by the laws of the state or territory under which the same is organized, the corporations, associations or societies of this state doing a life or casualty business upon the cooperative or assessment plan are not permitted to transact such business in such other state or territory. Provided, however, that except in the case of fraternal organizations, no certificate of authority to do business in this state except renewal certificates of authority to such corporations, associations or societies as are now authorized to transact business within the state, shall be issued by the superintendent of insurance after June first, nineteen hundred and six. When any other state or territory shall impose any obligation upon such corporation, association or society of this state, or their agents transacting business in such other state or territory, the like obligations are hereby imposed upon similar corporations, associations or societies of such other state or territory and their agents or representatives transacting business in this state, and such corporation, association or society of such other state or territory, and their agents and representatives shall pay all licenses, fees or penalties to, and make deposits with, the state treasurer imposed by the laws of such other state or territory upon any such corporation, association or society of this state doing business therein; and in case of failure to pay the same, the superintendent shall

refuse the certificate of authority herein provided for, or cancel such certificate in case one shall have previously been issued.

§ 42. Section two hundred and five of the insurance law is hereby amended to read as follows:

§ 205. **Reserve or emergency fund.**— Every such corporation, association or society, except casualty associations or societies, shall accumulate and maintain at all times a reserve or emergency fund of an amount not less than the proceeds of one death or disability assessment, or periodical call on all policy or certificate holders thereof, and at least equal to the amount of its maximum certificate or policy, and also at least equal to the cost of insurance for all policies in accordance with the American experience table of mortality until the next call or assessment is due and payable over and above all liabilities, including existing death claims. Such fund, if not already accumulated, shall be accumulated by every existing corporation, association or society formed for like purposes, within six months from the time this article takes effect; and shall be held for the benefit or protection of its members, their legal representatives or beneficiaries. If such fund is in excess of the reserve or emergency fund required by this section, the excess, or any portion thereof, may be used in reduction of assessments or premium calls upon policy or certificate holders; and if in excess of double such reserve or emergency fund, and not less than the sum of one hundred thousand dollars, the pro rata excess on any policy or certificate terminated by death or surrender may be refunded to the holder or beneficiary provided that nothing contained in this article shall be construed to permit any contract promising any fixed cash payment to any living certificate or policy holder, and provided further that any reserve provided for by the articles of association, constitution or by-laws or by any contract with members shall not be used in violation thereof and shall be treated as a liability. Every such casualty association or society shall accumulate within six months from the time this article takes effect and maintain a reserve or emergency fund of at least eight thousand dollars, if the maximum policy issued by such association or society be for five thousand dollars or more or a reserve or emergency fund of two dollars for each five thousand dollars of insurance in force, if the maximum policy issued by such association or society be for less than five thousand dollars, and thereafter five per centum of the amount realized on each periodical call shall be set apart and added thereunto, unless the same be already accumulated, until such fund shall be equal to

two dollars on each five thousand dollars of insurance in force. In case such reserve or emergency fund or any portion thereof shall have been used by any such corporation or society for the purpose for which the same was created or maintained, the amount so used shall be made up and restored to said fund within six months thereafter. Such fund may be held in cash, or invested in the same class of securities required for the investment of funds by domestic life insurance corporations. No foreign corporation, association or society shall be authorized to transact any business authorized by this article within this state unless it furnishes evidence satisfactory to the superintendent of insurance that it has accumulated a fund equal in amount to that required by this section, and that such accumulation is permitted by the laws of the state or country where it is incorporated and that it is held for the benefit of policy or certificate holders only and invested as required by such laws. If any such corporation, association or society is authorized by the law under which it is incorporated to issue contracts of insurance not authorized by this article, it may be permitted to transact in this state the kind of business authorized by this article upon complying in all other respects with the requirements of this chapter and filing with the superintendent of insurance an agreement duly executed by its proper officers that such corporation, association or society will not enter into or issue within the state of New York any contract of insurance, policy or agreement not authorized by this article. Upon a breach of said agreement by any such corporation, association or society, the superintendent of insurance shall forthwith revoke and cancel its authority to transact business in this state. The annual report of the superintendent of insurance required in section two hundred and two of this article shall be in lieu of all other reports required by law.

§ 43. Section two hundred and eight of the insurance law as amended by chapter five hundred and sixty-nine of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 208. **Hearing thereon.**— Such corporation, association or society, in case it is alleged to be insolvent, to have exceeded its powers, failed to comply with any other provision of law, or is conducting its business fraudulently, as specified in the last paragraph of the preceding section, shall be entitled to be heard, and to a trial by jury of the facts stated in the report, if the same shall be traversed, and to examine papers and witnesses under oath in the usual mode of trials of actions. If the trial

is by jury the court shall submit to the jury specific requests to find covering the matters in issue separately, and the jury shall return a special verdict upon each question submitted, and if by such verdict it shall be found that the corporation, association or society is insolvent because of matured death claims or other obligations due and unpaid exceeding its assets as hereinbefore provided or has been conducting business fraudulently, the court may render judgment that it and each officer thereof be perpetually enjoined from exercising any corporate rights, privileges or franchises, and that it be dissolved and that a receiver be appointed, an account taken, and an equitable distribution of its property among its creditors and members be made. If no charge of insolvency is made in such report, or, if made, is not established by the verdict of the jury, but it shall be found by such verdict that the corporation, association or society has exceeded its corporate powers or failed to comply with any provisions of this article or has conducted its business unlawfully, the court may make and enter judgment enjoining and restraining it from the commission of such acts or such of them as the court may determine, and in case of failure to desist therefrom within the time to be specified in such judgment that the corporation be dissolved. Pending the trial of the facts stated in such report, the court may, upon motion of the attorney-general and upon notice to the corporation, association or society, grant an injunction restraining it and its directors and other officers from collecting any debt or demand and from paying out or in any way transferring or delivering to any person any money, property or effects during the pendency of the proceedings except by direction of the court, and may appoint one or more temporary receivers of its property, with all the powers of temporary receivers in such cases.

§ 44. Section two hundred and ten of the insurance law is hereby amended to read as follows:

§ 210. Payment of maximum amount of policy; notice of assessment.— Every policy or certificate hereafter issued by any corporation doing business under this article, and promising a payment to be made upon a contingency of death, sickness or accident, shall specify the sum of money which it promises to pay upon each contingency insured against, and the number of days after receipt of proof of the happening of such contingency on which such payment shall be made. Upon the occurrence of such

contingency, unless the contract shall have been avoided by fraud, or by breach of its conditions, the corporation shall be obligated to the beneficiary for such payment at the time and to the maximum amount specified in the policy or certificate. If the superintendent of insurance shall be satisfied upon investigation that any such corporation has refused or failed to make such payment for thirty days after it became due, and after proper demand, he shall notify the corporation to issue no new policies or certificates until such indebtedness is fully paid; and no officer or agent of the corporation shall make, sign or issue any policy or certificate of insurance while such notice is in force. Each notice of assessment, premium or periodical call made by any such corporation, association or society, upon its members or any of them, shall truly state the cause and purpose of the same, and if the amount paid on the last death claim paid has not been paid in full at its maximum face value, the name of the deceased member, and the maximum face value of the certificate or policy, and the reason why not paid in full. An affidavit made by the officer, bookkeeper or clerk of any such corporation, association or society, having charge of the mailing of such notice, that such notice was mailed, stating the date of mailing, shall be presumptive evidence thereof.

§ 45. Section two hundred and fourteen of the insurance law as amended by chapter three hundred and ninety-nine of the laws of eighteen hundred and ninety-four is hereby amended to read as follows:

§ 214. Exemption of certain societies and subordinate lodges of odd fellows and masons from the provisions of this article.— No society or subordinate lodge or body of any secret, fraternal or industrial society now organized in this state paying only sick benefits, not exceeding two hundred and fifty dollars in the aggregate to any one person in any one year, or a funeral benefit or relief to those dependent on a member not exceeding three hundred and fifty dollars, shall be required to make any report thereof under this article. Subordinate lodges or councils or other bodies by whatsoever name known, of fraternal, secret or industrial societies shall not be required to make an annual report to the superintendent of insurance, when the money, charity, relief or aid is payable by the grand or supreme body of the same, and is derived from assessments upon such subordinates or their members, but such report shall be made and filed by such grand or supreme body. This article shall not prevent the creation of

a reserve fund by any corporation, association or society transacting the business of life or casualty insurance, or both, upon the cooperative or assessment plan, where its funds or its accretions, or both are to be used for the payment of assessments or death losses, or for benefits in case of physical disability only. This article shall not apply to the grand or subordinate lodges of the independent order of odd fellows as they now exist, or to any grand or subordinate lodge of free and accepted masons, nor to any association or organization of the veteran firemen of any city of the state having a population of five hundred thousand or more. This article shall not prevent any corporation, association or society authorized to do business hereunder, from paying out of surplus accumulations or reserve fund to its members, such ratable cash dividends or crediting on assessments such ratable sums as they are now or may hereafter become entitled to by the terms of their contracts, provided that nothing contained in this article shall be construed to permit any contract promising any fixed cash payment to any living certificate or policy holder, unless such corporation, association or society shall have deposited the sum of one hundred thousand dollars with the insurance department of the state, and the superintendent has certified to that effect, and provided further that for every such contract a sufficient reserve shall be maintained in accordance with the provisions of article two of this chapter. The voluntary unincorporated associations known as the New York stock exchange and the consolidated stock and petroleum exchange of New York, and the booksellers and stationers' provident association of the United States are exempted from the provisions of this article.

§ 46. Article ten of the insurance law is hereby repealed.

§ 47. This act shall take effect immediately.

Chap. 327.

AN ACT to amend chapter four hundred and thirty-two of the laws of nineteen hundred and four, entitled "An act to regulate the keeping of employment agencies in cities of the first and second class where fees are charged for procuring employment or situations," generally, and to limit its application to cities of the first class.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and thirty-two of the laws of nineteen hundred and four is hereby amended so as to read as follows:

§ 1. Definitions.—The term person when used in this act, means and includes any individual, company, association, or corporation, or their agents, and the term employment agency means and includes the business of procuring or offering to procure help or employment or of giving information as to where help or employment may be procured, whether such business is conducted in a building or on the street or elsewhere; and the business of keeping an intelligence office, employment bureau, theatrical, or shipping agency, nurses' registry, or agency for procuring engagements for vaudeville or theatrical performers, or other agency or office for procuring work or employment for persons seeking employment where a fee or privilege or commission is exacted, charged or received directly or indirectly for procuring or assisting or promising to procure employment, work, engagement, or a situation of any kind, or for procuring or providing help or promising to provide help for any person, whether such fee is collected from the applicant for employment or the applicant for help, excepting agencies conducted exclusively for procuring employment for persons as teachers, and in recognized educational institutions only, as occupants of technical or executive positions, and registries of all incorporated associations of registered nurses and bureaus conducted by registered medical institutions and excepting also departments maintained by persons, firms, corporations or associations for the purpose of securing help for themselves where no fee is charged the applicant for

employment. The term fee as used in this act means money or a promise to pay money. The term fee also means and includes the excess of money received by any such licensed person over what he has paid for transportation, transfer of baggage, or lodging for any applicant for employment. The term fee as used in this act also means and includes the difference between the amount of money received by any person who furnishes employees or performers for any entertainment, exhibition or performance and the amount paid by said person to the employees or performers whom he hires to give such entertainment, exhibition or performance. The term privilege as used in this act means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

§ 2. License.—No person shall open, keep or carry on any such employment agency in the cities of the first class, unless every such person shall procure a license therefor from the mayor or the commissioner of licenses of the city in which such person intends to conduct such agency. Such license shall be posted in a conspicuous place in said agency. Any person who shall open or conduct such an employment agency without first procuring said license shall be guilty of a misdemeanor and shall be punishable by a fine of not less than fifty dollars and not more than two hundred and fifty dollars, or by imprisonment for a period of not more than one year or both, at the discretion of the court. Such license shall be granted upon the payment to said mayor or commissioner of licenses of a fee of twenty-five dollars annually for such employment agency in cities of the first class. Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued or any place other than that designated in the license and shall not be transferred or assigned to any other person unless consent is obtained from the mayor or commissioner of licenses. The person to whom said license is assigned or transferred shall file with the mayor or the commissioner of licenses a bond as required in section three. No such agency shall be located in rooms used for living purposes or where boarders or lodgers are kept or where meals are served or where persons sleep or in connection with a building or on premises where intoxicating liquors are sold to be con-

sumed on the premises, excepting cafes and restaurants in office buildings. If said licensed person shall conduct a lodging-house for the unemployed, separate and apart from such agency, it shall be so designated in the license. The application for such license shall be filed not less than one week prior to the granting of said license and the mayor or commissioner of licenses shall act upon such application within thirty days from the time of such application. The mayor or commissioner of licenses shall require every such applicant to furnish satisfactory proof, by affidavits, of good moral character and shall receive any protest against the issuance or the transfer of any license. The names and addresses of all applicants for licenses or for transfers of licenses shall be posted daily in the public office of the mayor or commissioner of licenses. The license shall run to the first Tuesday of May next ensuing the date thereof and no longer unless sooner revoked by the mayor or commissioner of licenses.

§ 3. **Bond.**—The mayor or commissioner of licenses of said city shall require such person to file with his application for a license a bond in due form to the people of the said city in the penal sum of one thousand dollars in cities of the first class, with two or more sufficient sureties, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions or requirements of this act. If any person shall be aggrieved by the misconduct of any such licensed person, and shall recover judgment against him therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution issued upon said judgment, maintain an action in his own name upon the bond of said employment agent in any court having jurisdiction of the amount claimed provided such court shall, upon application made for the purpose, grant such leave to prosecute.

§ 4. **Register; references.**—It shall be the duty of every such licensed person, except those conducting theatrical agencies, or agencies for the employment of vaudeville performers or nurses' registries or agencies for the procuring of technical, clerical, sales or executive positions for men only, to keep a register, approved by the mayor or the commissioner of licenses, in which shall be entered, in the English language, the date of the application for employment; the name and address of the applicant to whom employment is promised or offered; the amount of the fee received, and whenever possible, the names and addresses of former employers or persons to whom such applicant is known. Such licensed person,

except those above specified in this section, shall also enter in a separate register, approved by the mayor or commissioner of licenses, in the English language, the name and address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received and the rate of wages agreed upon. The aforesaid registers of applicants for employment and for help shall be open during office hours to inspection by the mayor or commissioner of licenses. No such licensed person, his agent or employees, shall make any false entry in such registers. It shall be the duty of every licensed person, whenever possible, to communicate orally or in writing with at least one of the persons mentioned as references for every applicant for work in private families, or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency; provided that if the applicant for help voluntarily waives in writing such investigation of references by the licensed person, failure on the part of the licensed person to make such investigation shall not be deemed a violation of this act. Every licensed person exempted from the provisions of this section as to the keeping of registers shall keep accurate records in the English language, of all persons to whom work is promised or offered, or from whom a fee is taken, and of all persons from whom an application for an employee is accepted, together with the date of the engagement, the amount of the fee received, and the rate of remuneration agreed upon.

§ 5. Fees; receipts.—The fees charged applicants for employment as lumbermen, agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrubwomen, laundresses, maids, nurses (except professionals) and all domestics and servants, unskilled workers and general laborers, shall not in any case exceed ten per centum of the first month's wages, and for all other applicants for employment, shall not exceed the amount of the first week's wages or salary or five per centum of the first year's salary, except when the employment or engagement is of a temporary nature, not to exceed in any single contract one month, then the fee shall not exceed ten per centum of the salary paid. In case the applicant shall not accept or obtain help or employment, through such agency, then such licensed person shall on demand, repay the full amount of the said fee, allowing three days' time to determine the fact of the applicant's failure to obtain help or

employment. If an employee furnished fails to remain one week in the situation, a new employee shall be furnished to the applicant for help if he so elects, or three-fifths of the fee returned, within four days of demand; provided said applicant for help notifies said licensed person within thirty days of the failure of the applicant to accept the position or of the applicant's discharge for cause. If the employee is discharged within one week without said employee's fault another position shall be furnished or three-fifths of the fee returned to the applicant for employment if he so elects. Failure of said applicant for help to notify said licensed person that such help has been obtained through means other than said agency shall entitle said licensed person to retain or collect three-fifths of the said fee. No such licensed person shall send out any applicant for employment without having obtained, either orally or in writing, a bona fide order therefor, and if it shall appear that no employment of the kind applied for existed at the place to which said applicant was directed, the said licensed person shall refund to such applicant within three days of demand any sums paid by said applicant for transportation in going to and returning from said place, and all fees paid by said applicant. It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated, the name of said applicant, the date and amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt, excepting only those given by theatrical, and those procuring technical, clerical, sales and executive positions for men only, shall have printed on the back thereof a copy of this section in the English language and in any language which the person to whom the receipt is issued can understand. No such licensed person shall receive or accept any valuable thing or gift as a fee or in lieu thereof. No such licensed person shall divide fees with contractors or their agents or other employers or any one in their employ to whom applicants for employment are sent. Every such licensed person shall give to each applicant for employment a card or printed paper containing the name of the applicant, name and address of such employment agency and the written name and address of the person to whom the applicant is sent for employment. Every such licensed person shall post in a conspicuous place in each room of such agency sections four, five and

six of this act, which shall be printed in large type in languages which persons commonly doing business with such office can understand. Such printed law shall also contain the name and address of the officer charged with the enforcement of this law.

§ 6. **Employment contract.**—No such person shall induce or attempt to induce any domestic employee to leave his employment with a view to obtaining other employment through such agency. Whenever such licensed person or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, the said licensed person shall file with the mayor or commissioner of licenses, within five days after the contract is made, a statement containing the following items: Name and address of the employer, name and address of the employee; nature of the work to be performed, hours of labor; wages offered, destination of the persons employed, and terms of transportation. A duplicate copy of this statement shall be given to the applicant for employment in a language which he is able to understand.

§ 7. **Character of employer; fraud.**—No such licensed person shall send or cause to be sent any female as a servant or inmate or performer to enter any place of bad repute, house of ill-fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purposes of prostitution, or gambling house, the character of which such licensed person could have ascertained upon reasonable inquiry. No such licensed person shall knowingly permit any person of bad character, prostitutes, gamblers, intoxicated persons or procurers to frequent such agency. No such licensed person shall accept any application for employment made by or on behalf of any child or shall place or assist in placing any such child in any employment whatever in violation of the compulsory education law, known as title sixteen, of the consolidated school law of eighteen hundred and ninety-four, as amended; and in violation of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, known as the labor law. No licensed person, his agents, servants or employees, shall induce or compel any person to enter such agency for any purpose, by the use of force or by taking forcible possession of said person's property. No such licensed person, his agents or employees, shall have sexual intercourse with any female applicant for employment. No such person shall procure or offer to procure help or employment in rooms or on premises where intoxicating liquors are sold to be consumed on the premises whether or not dues

or a fee or privilege is exacted, charged, or received directly or indirectly. For the violation of any of the foregoing provisions of this section the penalty shall be a fine of not less than fifty dollars, and not more than two hundred and fifty dollars, or imprisonment for a period of not more than one year or both, at the discretion of the court. No such licensed person shall publish or cause to be published any false or fraudulent or misleading notice or advertisement; all advertisements of such employment agency by means of cards, circulars, or signs and in newspapers and other publications, and all letter heads, receipts, and blanks shall contain the name and address of such employment agency and no such licensed person shall give any false information, or make any false promise or false representation concerning employment to any applicant who shall register for employment or help.

§ 8. **Enforcement.**— In cities of the first class the enforcement of this act shall be entrusted to a commissioner to be known as a commissioner of licenses, who shall be appointed by the mayor, and whose salary together with those of a deputy commissioner, and inspectors to be appointed by him shall be fixed by the board of estimate and apportionment. Said commissioner of licenses and deputy commissioner shall have no other occupation or business. He shall appoint inspectors who shall make at least bi-monthly visits to every such agency excepting those agencies exempted from keeping the prescribed registers under section four of this act, which shall be inspected on complaint made to said commissioner of licenses. Said inspectors shall have a suitable badge which they shall exhibit on demand of any person with whom they may have official business. Such inspectors shall see that all the provisions of this act are complied with, and shall have no other occupation or business. Complaints against any such licensed person shall be made orally or in writing to the commissioner of licenses, and reasonable notice thereof, not less than one day, shall be given in writing to said licensed person by serving upon him a concise statement of the facts constituting the complaint, and a hearing shall be had before the commissioners* of licenses within one week from the date of the filing of the complaint and no adjournment shall be taken for a period longer than one week. A daily calendar of all hearings shall be kept by the commissioner of licenses and shall be posted in a conspicuous place in his public office for at least one day before the date of such

* So in original.

hearings. The commissioner of licenses shall render his decision within eight days from the time the matter is finally submitted to him. Said commissioner of licenses shall keep a record of all such complaints and hearings. The said commissioner of licenses may refuse to issue and shall revoke any license for any good cause shown, within the meaning and purpose of this act, and when it is shown to the satisfaction of the commissioner of licenses that any licensed person is guilty of any immoral, fraudulent or illegal conduct in connection with the conduct of said business, it shall be the duty of the commissioner of licenses to revoke the license of such person; but notice of the charges shall be presented and reasonable opportunities shall be given said licensed person to defend himself. Whenever said commissioner of licenses shall refuse to issue or shall revoke the license of any such employment agency, said determination shall be subject to review on writ of certiorari. Whenever for any cause such license is revoked, said commissioner of licenses shall not issue another license to said licensed person or his representative or to any person with whom he is to be associated in the business of furnishing employment. The violation of any provision of this act, except as provided in sections two and seven, shall be punishable by a fine not to exceed twenty-five dollars, and any city magistrate, police justice, justice of the peace, or any inferior magistrate having original jurisdiction in criminal cases, shall have power to impose said fine, and in default of payment thereof to commit the person so offending for a period not exceeding thirty days. The said commissioner of licenses shall institute criminal proceedings for its enforcement before any court of competent jurisdiction.

§ 9. Repealing.— All acts or parts of acts relating to employment agencies in cities of the first class, inconsistent with this act, are hereby repealed, except the provisions of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, known as the labor law.

§ 10. This act shall apply only to cities of the first class.

§ 11. This act shall take effect on May first, nineteen hundred and six.

Chap. 328.

AN ACT to regulate the keeping of employment agencies in cities of the second class where fees are charged for procuring employment or situations.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Definitions.—The term person when used in this act, means and includes any individual, company, association, or corporation, or their agents, and the term employment agency means and includes the business of keeping an intelligence office, employment bureau, or other agency or office for procuring work or employment for persons seeking employment where a fee or privilege is exacted, charged or received directly or indirectly for procuring or assisting to procure employment, work, or a situation of any kind, or for procuring or providing help for any person, whether such fee is collected from the applicant for employment or the applicant for help, excepting agencies for procuring employment for school teachers exclusively. The term fee as used in this act means money or a written promise to pay money.

§ 2. License.—No person shall open, keep or carry on any such employment agency in the cities of the second class, unless every such person shall procure a license therefor from the mayor of the city in which such person intends to conduct such agency. Any person who shall open or conduct such an employment agency without first procuring said license shall be punishable by a fine not exceeding two hundred and fifty dollars, or, on failure to pay such fine, by imprisonment not exceeding thirty days. Such license shall be granted upon the payment to said mayor of a fee of twenty-five dollars annually for such employment agencies in cities of the second class. Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued or any place other than that designated in the license unless consent is obtained from the mayor. No such agency shall be located in rooms used for living purposes,

where boarders or lodgers are kept, or on premises where intoxicating liquors are sold, excepting cafes and restaurants in office buildings. If said licensed person shall conduct a lodging-house for the unemployed, separate and apart from such agency, it shall be so designated in the license. The application for such license shall be filed not less than one month prior to the granting of said license and shall be accompanied by the affidavits of two persons who have known the applicant or the chief officer thereof, if a corporation for five years, stating that the said applicant is a person of good moral character. The license shall run to the first Tuesday of May next ensuing the date thereof and no longer unless sooner revoked by the mayor.

§ 3. **Bond.**—The mayor of said city shall require such person to file with his application for a license a bond in due form to the people of the said city in the penal sum of one thousand dollars in cities of the second class, with two or more sufficient sureties, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions, or requirements of this act. If any person shall be aggrieved by the misconduct of any such licensed person, and shall recover judgment against him therefor, such person may, after the return unsatisfied, either in whole or in part, of any execution issued upon said judgment, maintain an action in his own name upon the bond of said employment agent in any court having jurisdiction of the amount claimed provided such court shall, upon application made for the purpose, grant such leave to prosecute.

§ 4. **Register; references.**—It shall be the duty of every such licensed person to keep a register, approved by the mayor, in which shall be entered, in the English language, the date of every application for employment; the name and address of the applicant; the amount of the fee received, and whenever possible, the names and addresses of former employers or persons to whom such applicant is known. Such licensed person shall also enter in a separate register approved by the mayor in the English language, the name and address of every applicant for help, the date of such application, the kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received and the rate of wages agreed upon. The aforesaid registers of applicants for employment and for help shall be open during office hours to inspection by the mayor. No such licensed person, his agent or employees, shall make any false entry in such registers. It shall be the duty of every licensed person, when-

ever possible, to communicate orally or in writing with at least one of the persons mentioned as references for every applicant for work in private families, or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency.

§ 5. Fees; receipts.—The fees charged applicants for employment as lumbermen, agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrub-women, laundresses, maids, nurses (except professional) and all domestics and servants, unskilled workers and general laborers, shall not in any case exceed ten per centum of the first month's wages, and for all other applicants for employment, shall not exceed the amount of the first week's wages or salary or five per centum of the first year's salary. In case the applicant shall not accept or obtain help or employment, through such agency, then such licensed person shall on demand, repay the full amount of the said fee, allowing five days' time to determine the fact of the applicant's failure to obtain help or employment; except when it appears that the said licensed person has in good faith, attempted to procure help or employment for said applicant, then he shall be entitled to retain of such fee paid, an amount not exceeding fifty cents. If an employee furnished fails to remain one week in the situation, a new employee shall be furnished or three-fifths of the fee returned, within four days of demand; if the employee is discharged within one week without said applicant's fault another position shall be furnished or three-fifths of the fee returned. Failure of said applicant for help to notify said licensed person that such help has been obtained through means other than said agency shall entitle said licensed person to retain or collect three-fifths of the said fee. It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated, the name of said applicant, the date and amount of the fee, and the purpose for which it is paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt shall have printed on the back thereof a copy of this section in the English language and in languages which persons commonly doing business with such office can understand. No such licensed person shall receive or accept any valuable thing or gift as a fee or in lieu thereof and no fee shall be accepted by such licensed person for any other purpose except as herein provided. No such licensed person shall divide fees with contractors or other employees to whom applicants for

employment are sent. Every such licensed person shall give to each applicant for employment a card containing the name and address of such employment agency and the written name and address of the person to whom the applicant is sent for employment. Every such licensed person shall post in a conspicuous place in each room of such agency a plain and legible copy of this act, which shall be printed in languages, which persons commonly doing business with such office can understand.

§ 6. **Employment contract.**—No such person shall induce or attempt to induce any employee to leave his employment with a view to obtaining other employment through such agency. Whenever such licensed person or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, the said licensed person shall file with the mayor within five days after the contract is made, a statement containing the following items: name and address of the employer, name and address of the employee; nature of the work to be performed, hours of labor; wages offered, designation* of the persons employed, and terms of transportation. A duplicate copy of this statement shall be given to the applicant for employment in a language which he is able to understand.

§ 7. **Character of employer; fraud.**—No such licensed person shall send or cause to be sent any female help as servants or inmates to any questionable place, or place of bad repute, house of illfame, or assignation house, or to any house or place of amusement kept for immoral purposes, the character of which such licensed person could have ascertained upon reasonable inquiry. No such licensed person shall knowingly permit questionable characters or procurers to frequent such agency. No such licensed person shall publish or cause to be published any false or fraudulent notice or advertisement; all advertisements of such employment agency by means of cards, circulars, or signs and in newspapers and other publications, and all letterheads, receipts, and blanks shall contain the name and address of such employment agency and no such licensed person shall give any false information, or make any false promise concerning employment to any applicant who shall register for employment or help.

§ 8. **Enforcement.**—In cities of the second class this law shall be enforced by the mayor, or an officer appointed by him. Any violation of the provisions of this act shall constitute a misdemeanor

* So in original.

punishable by a fine of not more than two hundred and fifty dollars or imprisonment for not more than one year, except as provided in section two, and the mayor shall institute criminal proceedings for its enforcement before any court of competent jurisdiction.

§ 9. Repealing.— All acts and parts of acts relating to employment agencies in cities of the second class, inconsistent with this act, are hereby repealed, except the provisions of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven known as the labor law.

§ 10. This act shall take effect on May first, nineteen hundred and six.

Chap. 329.

AN ACT to amend chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, entitled "An act to amend, consolidate and revise the charter of the village of Peekskill, and the several acts amendatory thereof," in relation to boundaries.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title one of chapter one hundred and seventeen of the laws of eighteen hundred and eighty-three, entitled "An act to amend, consolidate and revise the charter of the village of Peekskill, and the several acts amendatory thereof," as amended by chapter six hundred and seventy-seven of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 1. All that part of the town of Cortland, in the county of Westchester, embraced within the following bounds, that is to say: Beginning at the middle of the Hudson river, at a point due west of the intersection of the high-water mark of the Hudson river and the east line of Hudson avenue as laid down on a map of Verplanck, New York, made by Cyrus Latham, civil engineer, dated June thirtieth, eighteen hundred and thirty-six; thence running due east to the high-water mark of the Hudson

river at the above mentioned intersection; thence easterly along high-water mark of the Hudson river and the southerly and westerly side of Dickey brook or creek to a point where the south line of Welcher avenue, extended, intersects the aforesaid brook or creek; thence easterly along the south line of Welcher avenue, extended, to a bend in said avenue; thence still easterly along the south line of Welcher avenue and the extension thereof to the center of Dickey brook; thence easterly and northerly along the center of said brook till it intersects the land of Willett Cornell; thence along said Cornell land and land of Mount Florence estate to land late of B. Kittridge; thence northerly along the east line of said Kittridge land and land of William McCord to the south line of Crompond road; thence easterly to a point opposite the Dayton lane; thence northerly along the center of said lane to McGregory brook; thence easterly along the center of said brook to the mouth of a small brook on the premises of Julia Nichols; thence northerly along said brook to Main street; thence due north (magnetic meridian) one thousand feet; thence to a rock on reservoir property marked B. M. X.; thence westerly to a monument set in the center of Hillside avenue just north of milk spring of Van Cortlandt estate; thence along line between land of W. D. Southard and King and Lynch to the creek; thence along the southerly side of creek to the west side of Annsville road; thence northerly along the west side of said road to the north shore of said creek; thence westerly in part along the north shore of said creek to the south exterior line of the wood dock; thence westerly along the shore of said creek at low-water mark to the lands of the New York Central and Hudson river railroad company; thence in a due west line to the center of the Hudson river; thence southerly to the place of beginning. And the inhabitants residing therein are hereby constituted and declared a municipal corporation by the name of "the village of Peekskill," and by that name they and their successors shall have perpetual succession; and said corporation is hereby declared to be vested with and in possession of all the estate, real and personal, rights, privileges and immunities which, at the time of passing this act, appertain and belong to said village of Peekskill. Said village shall be capable of suing and being sued, complaining and defending in any court, make and use a common seal and alter the same at pleasure, and to purchase, rent, take, hold, lease and convey such real and personal estate as the purposes of said village may require.

§ 2. This act shall take effect immediately.

Chap. 330.

AN ACT to amend the state printing law, relative to separate contracts.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter five hundred and seven of the laws of nineteen hundred and one, entitled "An act in relation to state printing, constituting chapter fifty-two of the general laws, and repealing certain acts and parts of acts inconsistent therewith," is hereby amended to read as follows:

§ 2. Subject.—The public printing payable by the State shall be divided into three parts. The first, known as the legislative printing, shall include the bills, documents, calendars, journals, substitutes for engrossed bills and memorials of both houses of the legislature, together with the necessary binding of said bills, journals and documents. The second, known as the department printing, shall include the blanks, circulars, blank books, pamphlets, envelopes, letter and note heads, other than those required for the use of the legislature, and all other printing work of the various departments and institutions of the state, other than the legislature, except as hereinafter specifically exempted, as well as the legislative manual. The third, known as the printing of the session laws, shall include the printing of all slips of the laws, the publication of the official and public editions of the session laws complete and the binding thereof. Each of the three divisions of the state printing shall be let by public contract in the manner hereinafter provided. Separate contracts may be made at any time for engraving, lithographing, wood-cuts, maps or for any description of printing or of any article of stationery not specifically mentioned in the contract and involving an expense of more than five hundred dollars.

§ 3. This act shall take effect immediately.

Chap. 331.

AN ACT to amend the election law, relative to creation of new election districts in towns in which voting machines are used in certain counties.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter nine hundred and nine of the laws of eighteen hundred and ninety-six, entitled "An act in relation to elections, constituting chapter six of the general laws," as amended by chapter four hundred and sixty-six of the laws of eighteen hundred and ninety-nine, is hereby amended by inserting therein a new section to be section one hundred and eighty-two-a thereof, and to read as follows:

§ 182-a. Number of voters in towns in certain counties.—In any county of this state having a population of not more than fifty-one thousand five hundred and not less than forty-eight thousand six hundred inhabitants, as shown by the last state enumeration, the town board, or other body charged with that duty, in towns in which voting machines are used, may, if the number of votes cast at the last general election exceeded five hundred in any election district and, if in the opinion of such board or body the convenience of the electors will be promoted thereby, proceed to redistrict such town and may erect an additional election district therein. Such redistricting or redivision shall be made on or before August first, nineteen hundred and six, and shall take effect immediately, and each of the election districts of such town when redistricted shall contain, as nearly as may be, having due regard for the convenience of the electors, the same number of voters. The board or body making such redivision shall on or before September first following such redivision appoint from the inspectors of election then in office, if a sufficient number therefor are then in office, and if not, from persons not in office, four inspectors of election for the district so created, two of whom shall be of the same political faith as the political party casting the greatest number of votes at the last general state election and the other two of whom shall be of the same political faith as the party casting the next highest vote at such election.

§ 2. This act shall take effect immediately.

Chap. 332.

AN ACT to amend chapter two hundred and twelve of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Ithaca," relative to taxes and assessments.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title five of chapter two hundred and twelve of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Ithaca," as amended by chapter three hundred and eighty of the laws of eighteen hundred and ninety-four and chapter one hundred and sixty-three of the laws of eighteen hundred and ninety-five, is hereby amended to read as follows:

§ 1. The common council shall have power in each year to cause a sum not exceeding sixty thousand dollars to be raised by general tax from the taxable inhabitants of said city on the property therein liable to taxation; but the amount to be so raised in any year may be increased to seventy-five thousand dollars by a special election called and conducted in the same manner as a special election for determining upon raising money for an extraordinary or a special purpose as provided by this title. On the ballots for such special election shall be written or printed or partly written or partly printed on the inside thereof the words for a budget of seventy-five thousand dollars or against a budget of seventy-five thousand dollars. If a majority of the votes at such election shall be in favor of a budget of seventy-five thousand dollars such amount shall be raised in pursuance to this section. On or before the first of May in each year the common council shall designate how much of such total amount shall be expended for each of the following purposes, namely: For the payment of the expenses of the police department, including the salary of recorder, chief of police and policemen, rent of police stations and all other expenses thereof, to be known as the police fund; for the paving, repairing and keeping in order the highways, streets, crosswalks, sewers, open courts, squares, market places, lanes, alleys and public grounds other than cemeteries and

parks and the salary of the city superintendent, to be known as the highway fund; for the construction, maintenance and repair of bridges and culverts, straightening, restraining and improving creeks, to be known as the bridge and creek fund; for the maintenance, repair and keeping in order the public parks and cemeteries, to be known as the park and cemetery fund; for the operation and maintenance of the fire department, including the cost of water supply, to be known as the fire department fund; for the lighting of the streets of said city and expenses incidental thereto, to be known as the lighting fund; for the payment of salaries of officers not otherwise provided for, and the other contingent expenses of said city, to be known as the salary and contingent fund; and the sums expended in each year for the several purposes named shall not exceed the amounts so designated except in case of unforeseen emergencies.

§ 2. This act shall take effect immediately.

Chap. 333.

AN ACT to amend chapter two hundred and twelve of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Ithaca," relative to assessments for improvements and issuing bonds.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly do enact as follows:

Section 1. Section ten of title six of chapter two hundred and twelve of the laws of eighteen hundred and eighty-eight, entitled "An act to incorporate the city of Ithaca," as added by chapter one hundred and ninety-five of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 10. Whenever any of the improvements or repairs or other acts or things authorized to be done by said common council under and pursuant to section four of this title, at the expense of adjoining owners or occupants shall have been made or done by said common council as provided in said section four, the ex-

pense thereof, or the part thereof determined by said common council, shall be assessed by said common council upon the owners or occupants of the lands or premises, upon or for, or in respect to which such repairs, improvements, acts, labor or work shall have been done; such expenses to be assessed to such owners or occupants by name, when known by said common council, and when unknown, to the unknown owner of such lands or premises, describing the same. Such assessment shall be left with the city clerk, who shall give public notice in the newspaper or newspapers employed by said city, that the same has been left with him, and that the common council will, on a certain day, therein specified, which shall be at least ten days after the first publication of said notice, proceed to confirm such assessment. At the time so specified, any person interested may appear before the common council and apply to have such assessment altered or corrected, as justice may require. The common council may thereupon alter and correct and confirm such assessment without further notice. The amount of each such assessment shall be a lien upon the real property upon which it is assessed. Within twenty days after the confirmation of any such assessment, the amount thereof, or one-fifth of the amount thereof may be paid to the treasurer of said city. If no part of any such assessment, or only one-fifth of any such assessment, shall have been or shall be paid to the treasurer within the time so provided, the common council shall, by resolution, authorize the mayor and city clerk to issue the bonds, or other obligations of the city, under their hands and the corporate seal of said city for the total amount of such unpaid assessment, which bonds or other obligations shall, in case the whole of any such assessment shall remain unpaid, be payable in five equal annual instalments, and in case the one-fifth part of any such assessment shall have been paid, then in four equal annual instalments, with interest annually, in either case, at the lowest rate, not to exceed five per centum, at which the said bonds or other obligations can be negotiated for their par value, and shall deliver the same to the treasurer, who shall sell such bonds for their par value, at the lowest rate of interest, not exceeding five per centum, at which he can make such sale. The moneys realized by such sale shall be added by the treasurer to the highway fund of said city. In each annual city assessment roll thereafter, an instalment of any such assessment, being the one-fifth part of the whole assess-

ment with interest for one year on the whole amount unpaid, shall, at the rate of interest borne by the said bonds or other obligations, be added to the amount otherwise assessed upon such real property to the owners or occupants thereof, to be collected in the same manner provided by this act for the collection of unpaid taxes, and all the provisions of this act relating to the collection of unpaid taxes shall be in force and apply hereto and the rights and duties of all persons concerned shall be the same as provided by said act. Such added amounts, when collected, shall be a part of the general fund, and such bonds or other obligations shall be paid from the general fund. This section shall apply to all pavements, improvements, or other acts done by the said common council under and pursuant to section four of title six of chapter two hundred and twelve of the laws of eighteen hundred and eighty-eight, since and including the year nineteen hundred and five.

§ 2. This act shall take effect immediately.

Chap. 334.

AN ACT to amend the code of civil procedure, relative to fees of grand and trial jurors in certain counties.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-three hundred and fourteen of the code of civil procedure, as amended by chapter two hundred and forty-seven of the laws of nineteen hundred and three, and by chapter one hundred and sixty-one of the laws of nineteen hundred and four, and chapter seventy-seven of the laws of nineteen hundred and six, is hereby amended to read as follows:

§ 8314. Supervisors may make allowance to grand and trial jurors.—In the counties within the city of New York the board of aldermen, and in any other county the board of supervisors, may direct that a sum, not exceeding two dollars in addition to the fees prescribed in the last section, or in any other statutory provision, be allowed to each grand juror, and each trial juror for each day's attendance at a term of a court of record, of civil or

criminal jurisdiction, held within their county, except that in the county of Westchester and the counties of Rockland, Orange, Erie, Niagara, Ontario, Orleans, Livingston, Wayne, Wyoming, Cayuga and Genesee grand and trial jurors may be allowed a sum by the board of supervisors not exceeding three dollars for a day in addition to the other fees prescribed by the last section. If a different rate is not otherwise established as herein provided, each juror is entitled to five cents for each mile necessarily traveled by him in going to and returning from the term; but such board of aldermen or board of supervisors may establish a lower rate. A juror is entitled to mileage for actual travel once in each calendar week during the term, except that in the counties of Queens, Rockland and Orange grand and trial jurors may be paid four cents a mile for each mile necessarily traveled in going to and returning for each day of actual travel during the term in lieu of any other mileage. The sum so established or allowed must be paid by the county treasurer upon the certificate of the clerk of the court, stating the number of days that the juror actually attended, and the number of miles traveled by him in order to attend. The amount so paid must be raised in the same manner as other county charges are raised.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 335.

AN ACT to amend chapter three hundred of the laws of nineteen hundred and four, entitled "An act to revise and consolidate the several acts relative to the city of Niagara Falls," relative to various sections thereof, to insert a new section therein relating to the issuance of certificates of indebtedness for the payment of the cost of paving street intersections, and to repeal sections two hundred and fourteen and two hundred and fifteen of said chapter.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-nine of chapter three hundred of the laws of nineteen hundred and four, entitled "An act to revise

and consolidate the several acts relative to the city of Niagara Falls," is hereby amended to read as follows:

§ 49. Any person of the age of twenty-one years or upwards, who shall be a resident of the city, and any corporation, incorporated under the laws of the state of New York and having its principal office designated and located in the city, by an officer thereof producing evidence of his authority, whose name shall appear, and upon whose property a tax shall have been assessed or imposed on the assessment roll of the city next preceding a tax election, as owner, or as executor or administrator, guardian or agent of the owner, and, where the name of any deceased person shall appear and upon whose property a tax shall have been assessed as owner on such assessment roll, the executor or administrator of such deceased person producing evidence of his appointment, who shall be a resident of said city, and no other person or corporation shall be entitled to vote at any such tax election, provided, however, that no person or corporation shall be entitled to cast more than one vote at any such tax election, and if there be more than one executor, or administrator representing property assessed on such roll as aforesaid, only one such executor or administrator shall be entitled to vote. The city clerk shall furnish to the inspectors of election in each district for use at each tax election, a certified copy of the names of all taxpayers appearing upon said assessment roll arranged in alphabetical order.

§ 2. Section sixty-nine of said act is hereby amended to read as follows:

§ 69. It shall be the duty of the mayor to take care that within said city the laws of the state and the ordinances and by-laws passed by the common council and the rules and orders of the board of health be faithfully executed, and to arrest or cause to be arrested and prosecuted all persons liable to arrest for violating the same or any thereof. In addition to the general powers conferred by law upon mayors of cities, he shall have authority, with force, if necessary, to suppress all tumults, riots and unlawful assemblages, revelings, quarreling or other disorderly conduct, to the disturbance or annoyance of the peaceful inhabitants of the said city, and shall have power to call out and command the police and firemen, whenever in his discretion he shall deem it necessary, and such command shall be in all re-

spects obeyed. It shall be his duty to communicate to the common council on or before February first in each year, a general statement of the affairs of the city in relation to its finances, government and improvements, with recommendations such as he may deem proper, and from time to time thereafter to recommend to the common council, and to any of the city boards, such measures as he shall deem necessary or advantageous for it to adopt; and to expedite and cause to be carried out all such as shall be adopted by any thereof; to exercise a constant supervision over the conduct of all subordinate officers, and to examine into all complaints against them for misconduct or neglect of duty. He shall have power at all times to examine the books, vouchers and papers of any officer or employee of the city, and to summon and examine under oath any person connected therewith. He shall be the chief executive officer of the city, and on behalf of the city, shall sign all deeds and contracts subscribed by it, and shall cause to be affixed thereto the corporate seal of said city. The mayor shall have power to suspend or revoke any license granted pursuant to this act or the ordinances of the city, and shall report to the common council at its next meeting such suspension or revocation, with the reasons therefor.

§ 3. Section one hundred and twenty of said act is hereby amended to read as follows:

§ 120. The legislative power of the city shall be vested in the common council. The common council shall have power and authority to adopt resolutions and enact, amend and repeal ordinances consistent with the laws of the state for the government of the city and the management and control of its business and property, for the preservation of good order, peace and health, for the safety and welfare of its inhabitants, and the protection and security of their property, for the prevention and extinguishment of fires, including the regulation of the construction, alteration, repair and removal of buildings, for the suppression of vice, for the benefit of trade and commerce, for the exercise of its corporate powers and the performance of its corporate duties, and for carrying into force and effect any of the provisions of this act. The common council shall also have power and authority to enact, amend and repeal ordinances, consistent with the laws of the state and of the United States, regulating and fixing the rate of compensation to be charged or taken by cartmen, truckmen and porters, and the owners, drivers and operators of vehicles used for the transportation of passengers or property for hire; regulating

the running at large of dogs and licensing the same; regulating and licensing such trades, occupations, businesses, circuses, shows, theatrical performances and exhibitions, and places of public entertainment and amusement as the common council may deem proper and fixing the fees or tax to be charged and paid for and prescribing the manner in which and the conditions on which licenses under this section or any other provision of this act shall be granted.

§ 4. Section one hundred and sixty-seven of said act is hereby amended to read as follows:

§ 167. The city treasurer shall keep in the account books in his office an account to be entered "general fund." All moneys received by him belonging to the city except water rates, taxes for local improvements, taxes payable to the county treasurer, taxes raised by special tax elections, and moneys received from the sale of bonds issued for special purposes, which shall be placed by the treasurer in separate funds, shall be first placed in said general fund, and shall be transferred by the treasurer therefrom into the other funds created by this act, and such funds as may be hereafter lawfully created, as the common council shall from time to time order and direct, but the common council shall not order, nor shall the city treasurer make, any transfer to any other fund in any fiscal year in excess of the amount the common council is herein authorized to expend in such year from such other fund, except as herein otherwise provided, and the city treasurer shall not be allowed or credited with any moneys transferred in violation of this section.

§ 5. Section one hundred and ninety-one of said act is hereby amended to read as follows:

§ 191. The bonds of said city by any of the provisions of this act authorized to be raised, shall bear semi-annual interest not exceeding four per centum per annum, and shall be sold at not less than par, and shall be of such denomination, and payable, principal and interest, at such place or places, and at such time or times as the common council shall determine, subject to the other provisions herein contained. Such bonds shall be signed by the mayor, attested by the city clerk, and the seal of the city, and shall be countersigned by the treasurer; and the said clerk and the treasurer shall each keep in a book to be provided for that purpose a record of the number, denomination, rate of interest, date and maturity of every bond attested and countersigned by them, and a like record of every bond negotiated and delivered, with the

name of the purchaser and the amount realized therefor. Said common council shall also have the power to issue the bond or bonds of said city, executed by the said officers, at a rate of interest not exceeding four per centum per annum, to be sold at not less than par, payable, principal and interest, at such place or places, and at such time or times as it shall determine, for the payment of the principal sum secured to be paid by any bond or bonds of said city heretofore issued, or for the payment of the principal sum secured to be paid by any bond heretofore issued by the village of Suspension Bridge or the village of Niagara Falls, or by the water board or sewer board of either of said villages, or by the board of education of either school district number two or seven of the town of Niagara now outstanding, or that may hereafter be issued to take the place of any such bonds, or in renewal thereof, as the same may become due.

§ 6. Section two hundred and eleven of said act is hereby amended to read as follows:

§ 211. The board of public works, subject to the provisions of this act, the other laws of the state and the ordinances of the common council, shall have cognizance, direction and control of the construction, alteration, repair, care, cleaning, paving, macadamizing, flagging, lighting and improvement of the streets, ways and sidewalks of said city; of the construction, alteration, repair and care of all buildings and bridges belonging to said city, except school and public library buildings; of the construction; alteration and repair of all sewers and drains in the city; of the construction, maintenance, extension and repair, together with the management and control of the water works, mains, pipes belonging to the said city and other property connected therewith, and the water supplied by said city; the management and control of the collection and disposition of the garbage, ashes and refuse of said city; of the erection, maintenance, care, management and control of any city crematory which may be conducted in connection therewith; and of a public market or markets to be maintained in said city. And said board shall have the care, superintendence and management and laying out of all parks and grounds belonging to the city, except school and public library grounds.

§ 7. Section two hundred and twelve of said act is hereby amended to read as follows:

§ 212. The common council shall have power and it is hereby authorized to establish, change or modify the grade of any of

the streets, ways or sidewalks of the city, but before any such grade is established, changed or modified said common council shall cause a profile thereof to be prepared and filed in the city engineer's office, and shall cause notice to be given the owners of property to be affected thereby by publishing the same once in and as a part of its official proceedings, and by causing copies of such notice to be mailed to such owners, as far as practicable, at least five days before the time fixed for a hearing thereon, that it intends to establish, change or modify said grade as shown on said profile, at a meeting to be held at a time and place stated in said notice, unless cause be shown at such meeting to the contrary. The common council shall have the power to require sidewalks to be constructed, made, paved, flagged, curbed, guttered, relaid, amended or repaired by the owners of the land adjoining such sidewalk or proposed sidewalk, and also to require any curb or gutter to be constructed, repaired, relaid, or reset, by the owner of the premises contiguous to such curb or gutter, and to require any such improvement, act or thing to be done in such manner, and at such time, and of such material as it may prescribe and direct, provided, however, that the common council shall not authorize or permit any board or wooden sidewalk to be laid or constructed in the city; the common council may at any time, instead of making such requirements of the owners, or in default of the owners after due notice of such requirements has been given, cause such improvements, act or thing to be made or done by the board of public works, at an expense not exceeding the regular price of labor and materials for such purpose, and the officers so performing such work shall keep an accurate itemized account of the expenses incurred for all labor and materials furnished in and about such repairing or rebuilding, and make affidavit to the correctness thereof, and file the same with the city clerk, who shall report the same to the common council for approval; the city clerk shall enter that fact in the minutes of its proceedings, specifying the amount and the person or persons for whom said work was done, and the property to be charged therewith, and stating that at the next regular meeting of the common council, specifying the date, the common council will consider and act upon said account, and that any and all persons interested therein will then be heard by the common council as to its approval of the same; and the publication of such notice in the official paper in and as a part of the proceedings of the common council, shall be full and sufficient notice

of the facts therein stated to all parties assessed or interested. If the common council approve of such expenditure, the same shall henceforth become and be a lien on said lot or parcel of land in front of which said work shall be done, and bear interest at the rate of twelve per centum per annum, and shall be, by the city clerk, entered in a book for that purpose, and if not previously paid, together with the interest thereon accrued up to the time of the completion of the next following general city tax roll, be placed and assessed on the said tax roll against the said lot or parcel of land, and be added to the general city tax therein upon said lot and parcel of said land, and thereafter be and in all things taken, regarded and described in all proceedings as general city tax, and shall be collected in the same manner, with the same percentages, interest, power and effect as other general city taxes. No error or mistake in the name of any owner or occupant upon whom notice was served, nor the fact that the same was served upon some person other than the real owner or occupant, shall invalidate the proceedings, in case such service was made in good faith upon the apparent occupant, user, or owner, or upon a person of matured years, in or upon the said lot or parcel of land. Upon approving such account the common council may direct payment thereof. The board of public works and common council may cause permanent sidewalks to be laid or constructed on any street or portion of a street in said city of such width as the common council may direct, and of such material other than wood as the owners of more than one-half of the lineal feet frontage of property abutting on the portion of the street so improved who are bona fide residents of said city or the common council may elect, and all the provisions of this act, relating to the paving or macadamizing of streets, the assessment, payment and collection of the cost thereof, and the extension of the assessments and the issuance of paving warrants therefor shall apply and be applicable to the construction of such sidewalks, and the assessment, payment and collection of the cost thereof, except that the whole cost of such sidewalks shall be assessed pro rata upon the property in front of which the same shall be laid and constructed, provided, however, that in case there shall be in front of any piece of property on such street or portion thereof, a permanent sidewalk constructed of any of the materials aforesaid, no new sidewalk shall be laid in place thereof, and such property shall not be charged or assessed for any

portion of the expense of such sidewalks, but the location of any such sidewalk may be changed and such sidewalk removed thereto and the cost of such removal charged and assessed upon the property in front of which the same may be.

§ 8. Section two hundred and sixteen of said act is hereby amended to read as follows:

§ 216. The board of public works may present to the common council at any meeting thereof, a written statement that public improvements, works or betterments, including the purchase of property, or the acquisition thereof by eminent domain, for the use of the city and its inhabitants, requiring the expenditure of money, are needed, with such recommendations in reference thereto as the board may deem proper. Such statement shall contain a full and detailed statement of the nature and character of such improvements, works or betterments, including the estimated maximum cost thereof, and the cost of maintaining the same after completion, and such other information and matters in relation thereto, as the board may deem proper. It shall not be necessary, however, to include in any such statement the estimated cost of property to be acquired by eminent domain.

§ 9. Section two hundred and seventeen of said act as amended by chapter four hundred and sixty-three of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 217. The common council upon the receipt of any such statement shall with reasonable diligence consider and act upon the same. If such statement relates to bridges over the hydraulic canal, which a court of competent jurisdiction has by final judgment directed the city to build, bridges over Gill creek, or to sewers, the common council may, by a majority vote of the members then in office, authorize the board of public works to construct such bridges or sewers recommended in such statement, at a cost not to exceed the estimated maximum cost of the same as stated in such statement, and the city shall issue its bonds therefor; provided, however, that the aggregate amount of the bonds issued for sewer purposes and outstanding shall at no time exceed the amount of five per centum of the total assessed valuation of the real property of the city, as shown by the last assessment roll thereof. The bonds heretofore issued by the city of Niagara Falls for the purpose of constructing sewers or for the reduction of any such bonds, are hereby legalized and made binding and legal obligations of the city, according to the terms of such bonds, and all the acts and proceedings of the common council

and officers of said city authorizing and issuing such bonds are hereby authorized, legalized, ratified and confirmed, and said city shall cause such taxes to be levied and collected as may be necessary from time to time, to pay the principal and interest of said bonds as provided in this act, until said bonds and the interest thereon have been fully paid. If any such statement relates to extensions, improvements or betterments of the city water works or mains, and is signed by all the members of the board of public works in office, the common council may, by a three-fourths vote of the members then in office, authorize the board of public works to construct or make such extensions, improvements or betterments recommended in such statement, at a cost not to exceed the estimated maximum cost of the same as stated in such statement, and the city shall issue its bonds therefor, provided, however, that the amount of bonds issued for such extensions, improvements or betterments shall not exceed the sum of fifteen thousand dollars in any fiscal year.

§ 10. Section two hundred and eighteen of said act is hereby amended to read as follows:

§ 218. If such statement relates to paving, repaving or macadamizing of any street or part of a street, the common council may, in its discretion, in case sufficient money shall be in the street improvement fund to pay the estimated cost of street intersections, and shall, whenever owners of three-fourths of the feet frontage upon any street or part of a street shall sign a petition in writing to the board of public works asking for the paving or macadamizing of such street or part of a street and agreeing that the cost of all street intersections be assessed upon the property benefited, by resolution declare its intention of making such improvement, and state, the estimated maximum cost thereof, and direct the board of public works to give public notice for ten days in the official paper of the city of such intention to pave or macadamize said street or part of a street, and to advertise for bids for the paving and for the macadamizing of the same, requiring the bidder to specify the nature and character of the pavement or macadam in each such bid. The board of public works shall not in calling for such bids, limit the same to any particular kind or kinds of paving or macadamizing, or to either paving or macadamizing. And within six days after the receipt of such bids the board of public works shall publish the same, with the substance of the several bids in its minutes in the official paper, and so far as practicable send copies of said

notice to the interested resident taxpayers, through the postoffice.

§ 11. Section two hundred and nineteen of said act is hereby amended to read as follows:

§ 219. Within fifteen days after the publication of said bids, the owners of more than one-half of the lineal feet frontage, excluding land owned by the city on the street or portion thereof proposed to be paved or macadamized, owned by bona fide residents of the city, including corporations, incorporated under the laws of the state of New York, and having their principal office for the transaction of business designated and located in said city, may file with the city clerk a petition to the board of public works, duly signed and acknowledged like deeds to be recorded by each of them, or by his lawful attorney in fact, producing evidence of his authority, wherein such owners may elect the kind of paving or macadamizing to be laid upon said street or portion thereof, specifying the same. But only owners who are bona fide residents of said city as aforesaid, shall be considered on any such petition. Upon the filing of such petition with the city clerk, the said petition shall be referred by him to the city assessors, and it shall be the duty of said assessors, within ten days, to certify to the board of public works as to the number of bona fide owners represented by the petition, and as to whether the persons who have so petitioned, are the owners of more or less than the required proportion of the foot frontage along the line of said contemplated improvement, belonging to bona fide resident land owners. After the expiration of fifteen days from the publication of bids received, and within thirty days from the day of said publication, said board of public works shall, by resolution, direct the paving or macadamizing of such street in accordance with the election of the petitioners, in case the board of assessors certify that more than the required proportion of the land owned by bona fide resident owners along the line of the contemplated improvement is owned by the persons who signed said petition, letting the same to the lowest responsible bidder for such pavement or macadam as said property owners elect as aforesaid. In case said board of assessors certify that not more than one-half of the land belonging to bona fide resident property owners is owned by the persons signing such petition, then said common council may elect as to whether the improvement shall be pavement or macadam, and the material to be used therefor; and the board of public works shall let the contract to the lowest responsible bidder

therefor. Reserving, however, the right to reject any and all bids in all cases.

§ 12. Section two hundred and twenty-two of said act is hereby amended to read as follows:

§ 222. If any statement relating to public improvements, made to the common council by the board of public works as provided herein, shall relate to any subject other than sewers, bridges over the hydraulic canal, which a court of competent jurisdiction has by final judgment directed the city to build, bridges over Gill creek, extensions, improvements or betterments to the city water works or mains, provided for in section two hundred and seventeen of this act, street improvements, the lighting and cleaning of the streets, and the collection and disposition of the sweepings, garbage, ashes and refuse, the recommendations of any such statement, of said board, if approved by a majority of the common council in office, shall be by it submitted as approved, after being published in three consecutive issues of the official paper, to a vote of the resident taxpayers of the said city at a special election called and noticed in the manner herein provided. In the notice for such special election shall be included a statement of the amount of money proposed to be raised or that property is to be taken by condemnation, and for what particular purpose the same is to be expended or taken. If a majority of all the votes cast at such special election shall be in favor of raising the amount of money specified for the purpose stated in the notice of such election, or the intention to take property by condemnation, the common council shall have the power to authorize the board of public works forthwith to proceed with such public works, and the city shall issue its bonds for such purpose in the manner and form herein provided.

§ 13. Section two hundred and fifty-seven of said act as amended by chapter six hundred and fourteen of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 257. The city may purchase a water supply and purchase, construct, maintain and regulate water works for supplying the said city and its inhabitants with water, and may purchase such water supply and lands or lease such lands either within or without the city as may be required therefor, and may issue and sell bonds for the purpose of purchasing such water supply and lands, constructing or taking by condemnation proceedings a water works plant or plants as herein provided and the purchasing of

real estate necessary therefor. The term of none of the bonds to be issued as in this section provided, and in section two hundred and fifty-eight hereof, shall exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. The amounts to be annually paid or placed in the sinking fund as in this section provided, shall be taken from the water revenue of said city (if sufficient there may be after paying other charges thereon) and any deficiency thereof levied and collected along with and as a part of the other taxes in said city. The board of public works, with the approval of the common council shall have full power and authority to contract with any person or corporation for a term not exceeding five years to supply the fire hydrants on the mains of the private water company in said city, or any portion thereof, with water. The said board shall have power and authority, except as herein provided to enter into a contract with any person or corporation for a term not exceeding twenty years, to furnish said city or any portion thereof with water for public use and to supply all or any water mains owned or operated by said city with pure and wholesome water for public and private purposes, but no such contract shall be let except after said board has advertised for and received bids to furnish said city or a portion thereof with water for the respective terms of five, ten, fifteen and twenty years, specifying the degree of purity required, the portion of the city to be supplied, and the manner in which the same shall be supplied; and no contract shall be entered into by said board for such purposes or any of them until the same has been approved by resolution of the common council, and has been submitted to and approved by the taxpayers at a tax election called for that, or that and other purposes.

§ 14. Article six of said act is hereby amended by adding thereto section two hundred and sixty-six.

§ 266. In case, at any time, there shall not be sufficient money in the street improvement fund to pay the cost of street intersections on streets proposed to be paved or macadamized, the city may issue and sell certificates of indebtedness in accordance with the provisions of this act, to an amount not exceeding ten thousand dollars in any fiscal year, payable in ten equal annual instalments, provided, however, that no such certificates of indebtedness shall

be issued unless the board of public works shall present to the common council, in writing, a recommendation that such certificates of indebtedness be issued, signed by all the members of the board of public works in office, and the same shall be approved by a vote of three-fourths of the members of the common council in office. The proceeds of the sale of any such certificates of indebtedness shall be placed by the city treasurer in the street improvement fund.

§ 15. Section two hundred and ninety-two of said act is hereby amended to read as follows:

§ 292. Said board of fire commissioners shall prescribe rules and regulations to be observed by said firemen, specifying their duties, the hours thereof, and such other details for their government as may be proper. The board of fire commissioners shall establish and enforce rules and regulations for the government of such volunteer fire companies as now exist or may hereafter be organized within said city, and for the appointment, discharge and dismissal of the officers and members thereof, for the hearing and trial of complaints and settlement of disputes in said companies, and may provide such reasonable fines and penalties upon said officers and firemen for the violation of said rules and regulations as said board shall deem proper. Said board of fire commissioners may organize, disband or reorganize fire companies, and may remove officers and members thereof for incapacity, neglect of duty or misconduct. Said board shall have charge of all property now owned or hereafter acquired by said city for the use of the fire department, including the electric fire alarm. And it shall, subject to the provisions of this act, have charge of the purchase and repair of all engines, trucks, carts, hose and other apparatus, implements and supplies requisite and proper in and about the efficient management and operation of the department.

§ 16. Section two hundred and ninety-eight of said act is hereby amended to read as follows:

§ 298. The chief engineer or the assistant engineer in command at the fire, with the concurrence of the mayor, or if the mayor is not present, with the concurrence of two fire commissioners, may direct any burning building, or any other building which they may deem hazardous and likely to take fire and endanger the safety of other buildings, to be torn down, blown up or otherwise destroyed, and may, after any fire, direct that any building, or the walls of any building, damaged by such fire,

which they may deem hazardous or dangerous to person or property be torn down or otherwise destroyed. No action shall lie or be maintainable against them or either of them therefor, but the owner or party interested shall have the remedy provided in the following sections hereof.

§ 17. Section three hundred and forty-five of said act is hereby amended to read as follows:

§ 345. The powers given to the board of education in subdivisions two, three, eight and ten of section three hundred and forty-four and to the trustees of the free public library in subdivision thirteen of section three hundred and forty-four, with respect to the expenditure of money over two hundred dollars, shall be exercised subject to the approval of the board of estimate and apportionment. In the event of the board of estimate and apportionment disapproving of any action of said board of education or the trustees of the free public library, taken as aforesaid, such disapproval shall be referred back to the board of education or to the trustees of the free public library and such action shall not be valid or binding when so disapproved, unless three-fourths of all members of the board of education or of all the trustees of the free public library shall vote to take such action. If the board of estimate and apportionment shall fail or neglect to approve or disapprove any such action for thirty days after the same is presented to such board, then it shall take effect as if it had been approved.

§ 18. Section three hundred and seventy-seven of said act is hereby amended to read as follows:

§ 377. Whenever any street railroad track runs upon or along any street ordered to be paved, repaved, or macadamized, the company owning such railroad track shall pay for the improvement of that part of said street, which lies under and between said railroad tracks and two feet outside of the outer rails thereof, and the same shall be made with such material and in such form and manner as the common council shall elect and determine and at the same time that the other part of said street is improved. Within two days after receipt by such railroad company of written notice of the acceptance of any bid for paving or macadamizing such street, it shall elect by writing filed with the city clerk whether it will construct such improvements by it to be made under direction of the city engineer, or whether said city shall cause such improvement to be made for it upon the basis of said accepted bid. In case it shall so elect, or in case it shall fail to

elect within the prescribed time, said board of public works may cause such improvement to be made and the expense thereof shall be assessed against that part of the tracks of said street railroad company so improved. The determination of the cost and expense of the improvement of that part of said street occupied by said railroad tracks and two feet either side thereof shall be determined by said city engineer and confirmed by said common council, and the amount thereof shall be assessed upon such part of said street railroad tracks and property in the same manner and subject to the same opportunity for hearing and review, as the assessment upon other property for such improvement and in the same roll therewith. That part of said street not incumbered by said railroad tracks shall be paved or macadamized when ordered by the common council after taking the same preliminary steps herein provided for in other cases, and after the adjoining owners shall have had the same opportunity to elect between paving and macadamizing and the various kinds thereof in the form and manner aforesaid. And all the rules prescribed for streets having no railroad thereon shall apply to such street excepting that the city and adjoining owners shall not be charged with the cost and expense of that part of said street lying under and between said railroad tracks and two feet each side thereof. The provisions of this section in reference to the material and to the assessment against the tracks and property of the street railroad shall apply to any paving, contracts for which have already been awarded in said city, and an assessment therefor against the property and tracks of such street railroad company may be made as herein provided.

§ 19. Section three hundred and seventy-nine of said act is hereby amended to read as follows:

§ 379. The common council may pay for any paving or macadamizing directed by it in conformity with this act by the issuance and delivery to the contractor of negotiable warrants upon the city treasurer bearing interest at the rate of four per centum per annum, or by the sale of such warrants, which shall be so drawn as to be payable out of the several instalments of local assessments as they shall become due, which said warrants shall impose no obligations on the part of said city other than to collect and pay over said moneys from said assessments.

§ 20. Section four hundred and thirty-four of said act is hereby amended to read as follows:

§ 434. There shall be paid to the clerk or deputy clerk of the court, the following sums only as court fees in a civil action: upon the issuing of a summons, one dollar; upon the return day, if judgment is taken by default, or if issue be joined: (1) if such judgment be rendered for or the amount demanded in the complaint be for a sum less than twenty-five dollars, twenty-five cents; (2) if such judgment be rendered for or the amount demanded in the complaint be for the sum of twenty-five dollars or over, fifty cents; for the trial of an action by the court, if issue be joined, seventy-five cents; for the trial of an action by a jury, one dollar and twenty-five cents; for each transcript, twenty-five cents; for each transcript for making a return upon an appeal from a judgment, or order, two dollars; and in addition thereto there shall be paid before the return is filed with the appellate court, six cents for each folio of one hundred words contained in the return in excess of fifty folios; and where no fee is herein specifically provided for, such fees as are now allowed by law to justices of the peace of towns. In summary or special proceedings, including bastardy proceedings, the fees shall be the same as are now allowed by law to justices of the peace. The clerk or deputy clerk shall require prepayment of such fees; provided, however, if any person shall satisfy the judge, by affidavit, which affidavit must be in writing and filed with the court, that he has a good and meritorious cause of action for a money claim against another within the jurisdiction of the court, and that he has made a personal demand for the payment thereof of the debtor, and that such payment has been refused; and shall therein also state the name and residence of the debtor, and the amount due over and above all legal set-offs, and that the applicant is unable to pay the fees therefor, the judge to whom such affidavit is presented may, in his discretion, endorse on such affidavit directions to the clerk or deputy clerk to issue the proper process returnable before him, without charging for court fees; but the applicant in such case shall pay in advance the fees of the marshal for service of such process. All fees paid into the court or included in any judgment rendered therein, except marshal, jury and witness fees, shall belong to the city, and no such judgment shall be satisfied until the fees are paid into the court. Fees prepaid by either party, recovered by a judgment in his favor, and paid into the court, shall be refunded to him.

§ 21. Section four hundred and thirty-eight of said act is hereby amended to read as follows:

§ 438. The clerk and deputy clerk, if there be one, of the city court, shall hold office during the pleasure of the judge, and shall each give a bond to the city for the faithful performance of the duties of their respective offices, in such form and for such sum and with such sureties as shall be approved by the board of estimate and apportionment, and file the same with the city clerk of the city. It shall be the duty of the clerk to keep in the docket of the court a complete and accurate record of all processes issued by and returned to the court, and of all proceedings in any action or proceeding brought in the court, and to enter therein the judgment and decision of the court; and the docket shall be evidence in the courts of this state the same as the docket of the court of a justice of the peace. The clerk may make and certify, in the form provided by law for clerks of courts of record of this state, copies of the entries in the docket and of all papers filed in the court, and he shall have power to take oaths and acknowledgments, the same as a justice of the peace. He shall keep an accurate account of the fees, fines and other moneys received, from whom received and the time of receiving the same, and at the end of each week shall deposit the amount thereof with the city treasurer, together with a detailed statement of the items thereof, which statement shall be verified by him. It shall also be his duty, to take the minutes and testimony in all actions and proceedings tried in said court in shorthand, and to transcribe the same in longhand or typewriting upon the request of either party or of an attorney for either party to any such action or special proceeding for their inspection, without any fee or charge therefor, and file the same with the court. He shall have power in the absence of the judge, to adjourn an action or proceeding returnable or pending before the court, for a period not longer than the city judge might have done. He shall take the deposition of witnesses so far as he is able before the police justice in cases triable after indictment whenever requested so to do by the police justice or district attorney. The clerk shall also have the power to issue and serve subpoenas, to administer oaths to witnesses, to make and sign executions, commitments and certificates of conviction, and to certify to and sign copies thereof for the execution of any judgment rendered in the city court.

§ 22. Section four hundred and forty of said act is hereby amended to read as follows:

§ 440. At the time when issue of fact is joined or on the first adjourned day, in a civil action or summary proceeding in the city court either party may demand a trial by jury and unless so demanded a trial by jury is waived. When a trial by jury is demanded as above provided, the city judge must forthwith openly draw such number of ballots as he deems necessary, from the box or other receptacle, containing the names of the persons who are returned as jurors of the city, as provided by law, for the purpose of trying the issue joined as above stated at a time to which the cause in which issue has been joined shall be adjourned. But such adjournment shall not be for a longer period than eight days from the joinder of issue, unless the parties consent to a longer adjournment, which consent shall be entered in the minutes of the court. Before drawing such ballots they shall be thoroughly mingled in the box or other receptacle containing them. Therefore, except as herein otherwise provided and so far as consistent with this act, the provisions of section twenty-nine hundred and ninety-two, twenty-nine hundred and ninety-three, twenty-nine hundred and ninety-four, twenty-nine hundred and ninety-five, twenty-nine hundred and ninety-six, twenty-nine hundred and ninety-seven, twenty-nine hundred and ninety-eight, twenty-nine hundred and ninety-nine, three thousand and six, three thousand and seven, three thousand and eight and three thousand and nine of the code of civil procedure, shall govern the further proceedings upon the issue joined as above provided. The judge of said court shall have the powers and duties conferred and imposed upon the justices of the peace under those sections. The venire must be issued to one of the city marshals who shall have all the powers and duties of constable under those sections. Jurors in the city court shall receive the same compensation as jurors in justices' court held by justices of the peace.

§ 23. Section four hundred and seventy of said act is hereby amended to read as follows:

§ 470. **Disorderly persons.**—The following persons within the city of Niagara Falls, in addition to the persons described in section eight hundred and ninety-nine of the code of criminal procedure, are disorderly persons:

1. All idle persons, who not having visible means to maintain themselves, live without employment;
2. All persons wandering about and begging, or who go about from door to door, or place themselves in the street, highways,

passages or public places without written permission of the mayor of the city, to beg and receive alms;

3. All common prostitutes and common gamblers;

4. All persons found quarrelling within said city in any public park, street, lane or alley, or in any public place;

5. Any person who shall within said city make indecent gestures or exhibitions of himself or herself in public view;

6. Persons who shall in any public place publicly use indecent, foul or profane words, or opprobrious, insulting or provoking language or outcries tending to a breach of the peace or utters* threats of unlawful violence, or shall make an unusual noise or disturbance of the public peace and quiet, or shall recklessly and without necessity discharge and fire off firearms in the day or night-time, or knowingly give a false alarm of fire;

7. Persons who shall alone or with others, not using the public ways of said city to pass and repass, lounge and loiter about, standing on or occupying the sidewalks or any public place in front of or along any premises or building, public or private, not owned or occupied by such person; or without any right in or about the approaches, passage, entry, hall or stairway of any building used for public assemblages or public resort to the annoyance or impediment of persons lawfully passing and repassing, or of property owners, and shall refuse, after direction of any officer or citizen, to pass along or disburse from said place or places;

8. Persons who shall disturb or interrupt any public meeting, school, concert, theater, or public exhibition, or any assemblage without lawful authority;

9. Persons who shall be found in the night-time lurking suspiciously around any place in said city and shall refuse on demand of any policeman or watchman to give an account of himself or herself;

10. Persons who shall be found carrying in any public place any loaded pistol, revolver, or other firearm concealed, without lawful authority to do so;

11. Persons who shall be a truant child under the age of fourteen years and be found wandering about late at night alone or in company with like persons;

12. Persons who shall maliciously or unlawfully open or enter any barn, stable or inclosure, and take away therefrom, or from any other place in said city, any horse, team, harness, carriage,

* So in original.

or other vehicle of another, under circumstances not making said offense larceny or felony;

13. Persons who shall be found engaged in any public place aforesaid, throwing stones or other missiles and endangering persons or property;

14. Persons who wantonly or maliciously injure any tree, or public gas or electric lamp, lamp post, wire, gas pipe or main, or any water pipe, main, hydrant, hose or other works or apparatus for the extinguishment of fires, including the electric fire alarm apparatus, or police patrol system, or boxes, wires, posts, or other apparatus thereto, or any street corner sign put up by authority of the common council;

15. Persons who shall be found naked or with persons improperly exposed bathing in any of the canals, basins, streams, races, ponds or waters in said city in any public place, or within sight of any public place between the hours of four in the morning and nine o'clock in the evening;

16. Persons who have no visible occupation, profession or business to maintain themselves by, but who do for the most part support themselves by gaming or crime, or by the avails of prostitution;

Every disorderly person under the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine, not exceeding fifty dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

§ 24. Section five hundred and thirty-three of said act as amended by chapter four hundred and sixty-three of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 533. No person or corporation shall open or conduct within the city an opera house, theater, or concert hall of any kind, or shall cause, permit, or allow music of any kind to be rendered or furnished or any show, theatrical performance or exhibition to be given in any saloon or place where liquor is sold, for public amusement or entertainment without first obtaining a license from the mayor, and paying to the city clerk the license fee fixed by the common council therefor. The mayor may grant or refuse any such license in his discretion. Any person violating the provisions of this section shall be deemed a disorderly person under the provisions of this act, and on conviction thereof shall be punished accordingly. Any corporation violating the provisions of this section shall be liable to pay to the city a penalty

in the sum of fifty dollars to be sued for and recovered by the city in a civil action.

§ 25. Sections two hundred and fourteen and two hundred and fifteen of said chapter are hereby repealed.

§ 26. This act shall take effect immediately.

Chap. 336.

AN ACT to amend the tax law relating to certain exemptions.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision seven of section four of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation," constituting chapter twenty-four of the general laws as amended by chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-seven, and as further amended by chapter two hundred and four of the laws of nineteen hundred and three, is hereby further amended to read as follows:

7. The real property of a corporation or association organized exclusively for the moral or mental improvement of men or women, or for religious, bible, tract, charitable, benevolent, missionary, hospital, infirmary, educational, scientific, literary, library, patriotic, historical or cemetery purposes, or for the enforcement of laws relating to children or animals, or for two or more such purposes, and used exclusively for carrying out thereupon one or more of such purposes, and the personal property of any such corporation shall be exempt from taxation. But no such corporation or association shall be entitled to any such exemption if any officer, member or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes, or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof, for any such avowed purposes be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employees, or if it be not in good faith organized

or conducted exclusively for one or more of such purposes. The real property of any such corporation or association entitled to such exemption held by it exclusively for one or more of such purposes and from which no rents, profits or income are derived, shall be so exempt, though not in actual use therefor by reason of the absence of suitable buildings or improvements thereon, if the construction of such buildings or improvements is in progress, or is in good faith contemplated by such corporation or association; or if such real property is held by such corporation or association upon condition that the title thereto shall revert in case any building not intended and suitable for one or more of such purposes shall be erected upon said premises or some part thereof. The real property of any such corporation not so used exclusively for carrying out thereupon one or more of such purposes but leased or otherwise used for other purposes, shall not be exempt, but if a portion only of any lot or building of any such corporation or association is used exclusively for carrying out thereupon one or more such purposes of any such corporation or association, then such lot or building shall be so exempt only to the extent of the value of the portion so used, and the remaining or other portion, to the extent of the value of such remaining or other portion, shall be subject to taxation; provided, however, that a lot or building owned and actually used for hospital purposes, by a free public hospital, depending for maintenance and support upon voluntary charity shall not be taxed as to a portion thereof leased or otherwise used for the purposes of income, when such income is necessary for, and is actually applied to the maintenance and support of such hospital, and further provided that the real property of any fraternal corporation, association or body created to build and maintain a building or buildings for its meeting or meetings of the general assembly of its members, or subordinate bodies of such fraternity and for the accommodation of other fraternal bodies or associations, the entire net income of which real property is exclusively applied or to be used to build, furnish and maintain an asylum or asylums, a home or homes, a school or schools, for the free education or relief of the members of such fraternity, or for the relief, support and care of worthy and indigent members of the fraternity, their wives, widows or orphans, shall be exempt from taxation. Property held by any officer of a religious denomination shall be entitled to the same exemptions, subject to the same conditions and exceptions, as property held by a religious corporation.

§ 2. This act shall take effect immediately.

Chap. 337.

AN ACT to amend the banking law so as to require trust companies to keep a lawful money reserve.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and eighty-nine of the laws of eighteen hundred and ninety-two, entitled "An act in relation to banking corporations," and constituting chapter thirty-seven of the general laws, is hereby amended by inserting therein a new section to be known as section one hundred and sixty-four, to read as follows:

§ 164. **Lawful money reserve.**— Every trust company having its principal place of business in any city in the state having a population of over eight hundred thousand shall at all times have on hand a reserve fund equal to at least fifteen per centum of the aggregate of its deposits. The whole of such reserve fund may, and at least one-third thereof must, consist of either lawful money of the United States, gold certificates, silver certificates, or notes or bills issued by any lawfully organized national banking association; one-third thereof may consist of bonds of the United States, bonds of the state of New York and bonds issued in compliance with law by any city of the first or second class within the state of New York computed at their par value which must be the absolute property of the corporation exclusive of all other investments; the balance thereof over and above the part consisting of lawful money of the United States, gold certificates, silver certificates, notes and bills issued by any lawfully organized national banking association, and the part thereof consisting of bonds as above provided, must consist of money on deposit subject to call in any bank or trust company in this state having a capital of at least two hundred thousand dollars or a capital and surplus of three hundred thousand dollars and approved by the superintendent of banks. Every trust company having its principal place of business elsewhere in this state shall at all times have on hand a reserve fund equal to at least ten per centum of its aggregate deposits. The whole of such last

mentioned reserve fund may, and at least thirty per centum thereof must, consist either of lawful money of the United States, gold certificates, silver certificates, or notes or bills, issued by any lawfully organized national banking association; thirty per centum thereof may consist of bonds of the United States, bonds of the state of New York and bonds issued in compliance with law by any city of the first or second class within the state of New York computed at their par value and which are the absolute property of such corporation exclusive of all other investments; and the balance thereof over and above the part consisting of lawful money of the United States, gold certificates, silver certificates, notes and bills, issued by any lawfully organized banking association, and the part thereof consisting of bonds as above provided, must consist of money on deposit subject to call in any bank or trust company in this state having a capital of at least two hundred thousand dollars or a capital and surplus of at least three hundred thousand dollars and approved by the superintendent of banks. The amounts to be kept on hand, as above provided, shall be called the lawful money reserve. If the lawful money reserve of any trust company shall be less than the amount required by this section such trust company shall not increase its liability by making any new loans or discounts otherwise than by discounting bills of exchange, payable on sight or making any dividends of its profits until the full amount of its lawful money reserve has been restored. The superintendent of banks shall notify any trust company whose lawful money reserve shall be below the amount herein required to make good such reserve, and if it shall fail for thirty days thereafter to make good such reserve such trust company shall be deemed insolvent, and may be proceeded against as an insolvent moneyed corporation.

§ 2. This act shall take effect immediately, except that the part of such lawful money reserve above required to consist of lawful money of the United States, gold certificates, silver certificates, or notes or bills issued by any lawful organized national banking association shall be created as follows: Two-fifths thereof on the passage of this act; one-fifth thereof on July first, nineteen hundred and six; one-fifth thereof on October first, nineteen hundred and six; and one-fifth thereof on January first, nineteen hundred and seven, and thereafter the entire amount of such part of said reserve must be at all times maintained and kept on hand as above provided.

Chap. 338.

AN AOT to amend the code of criminal procedure relative to release upon bail of persons charged with minor offenses.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision three of section five hundred and fifty-four of the code of criminal procedure is hereby amended so as to read as follows:

3. After indictment, either upon the bench warrant issued for his arrest or upon an order of the court committing him or enlarging the amount of bail, or upon his being surrendered by his bail, to answer the indictment in the court in which it is found, or to which it may be sent or removed for trial. And any captain or sergeant of police, or acting sergeant of police, in any city or village of this state, must take bail for his appearance before a competent and accessible magistrate the next morning from any person arrested for a misdemeanor between eleven o'clock in the morning and eight o'clock the next morning, just as soon as the person offers himself as bail for the person or persons arrested. When such captain or sergeant of police, or acting sergeant of police, takes bail, he must take it by an undertaking in the form in this section mentioned, executed in his presence by the defendant and at least one surety, who must justify under oath, or by the personal undertaking of the defendant, secured by the deposit of money or personal property accompanied by an oath of ownership, in the cases and in such manner as hereinafter provided; and for these purposes the officer may administer all necessary oaths. The amount of bail taken by a captain or sergeant of police or acting sergeant of police, under this section, must be as follows: If the offense be the violation of a corporation ordinance, the amount of the bail must be one hundred dollars, except that if a conviction upon the charge would render the defendant liable only for a fine, the amount of the bail must be double the largest fine that could be imposed; if the conviction would render him liable to imprisonment for thirty days or less, the amount of bail must be two hundred dollars; or, in such last mentioned case, it shall be

in the discretion of such captain, sergeant of police or acting sergeant of police, to parole said prisoner, on his promise to appear on the following day before the proper magistrate. In all other cases the amount of bail must be five hundred dollars. In lieu of a bondsman, if the offense be the violation of a corporation ordinance where conviction renders the defendant liable to a fine only, he may give his personal undertaking, secured by a deposit with such captain or sergeant of police, or acting sergeant of police, of money or personal property equal in value to double the largest fine that can be imposed. If personal property, the person making or authorizing the deposit shall take and subscribe an oath that he is the owner thereof, and authorized to make such deposit. A false oath in this particular is declared to be perjury and punishable accordingly. Money or personal property thus deposited conveniently transportable shall be taken to the court, by the officer making the arrest, at the time defendant is required to appear and, upon the conditions of the undertaking being satisfied, it shall be restored to the defendant. If the deposit be personal property which cannot conveniently be brought to court, the defendant shall be entitled to an order from the magistrate directing the delivery thereof to the owner after the conditions of the undertaking have been satisfied. The form of undertaking, with surety, must be as follows:

We, A B, defendant, and residing at....., in....., and C D, surety residing at....., hereby jointly and severally undertake that the above A B, defendant, shall appear and answer the complaint (describing it briefly) before the magistrate before whom he would be arraigned if not bailed on theday of....., eighteen hundred and ninety....., and at.....o'clock, to answer to the complaint, and there remain to answer, subject to an order of the magistrate, and render himself in execution thereof, or if he fail to perform either of these conditions, then he will pay to the people of the state of New York the sum of.....dollars.

The form of the personal undertaking, with deposit, shall be as follows:

I, A B, defendant, residing at number.....street, in theof....., hereby personally undertake and agree, that I will appear and answer to the complaint of violating the ordinances of the corporation of....., to wit: (here briefly state charge) before the magistrate before whom I would be arraigned if not bailed, on the.....day of....., eighteen

hundred and ninety....., at.....o'clock in the..... noon, to answer to the complaint, and there remain to answer, subject to any order of the magistrate, and render myself in execution thereof, or if I fail to perform either of these conditions, then I will pay to the people of the state of New York the sum of.....dollars, to secure which payment there has been deposited herewith (if money, state.....amount; if personal property, briefly describe).

OATH AS TO OWNERSHIP.

State of..... }
County of..... } ss.:

.....being duly sworn, says, that he is the owner of the personal property, mentioned and described in the foregoing undertaking, and is authorized to, and hereby does, pledge and deposit the same, as security for the appearance of the defendant to answer the complaint made against him.

Subscribed and sworn to before me

the.....day of.....189..

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 339.

AN ACT to legalize and confirm certain acts of the taxpayers of the village of Savannah done at the last village election, and to provide for the payment of a note to which such action related.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The action of the taxpayers of the village of Savannah, in the county of Wayne, at the annual village election held on the thirteenth day of March in the year nineteen hundred and six, in relation to a promissory note theretofore given to M. A. Gregg by David Devoe, M. McGinnis and J. H. Newton, trustees of said village, to provide means for the construction of cement walks within the village, is hereby legalized, ratified and confirmed

and declared effective to authorize the board of trustees of such village to pay said note and to raise money by taxation therefor; and the said board of trustees is hereby empowered and directed to assess and levy on the taxable property in the village in the annual tax levy in the year nineteen hundred and six, in addition to all other items included in such levy, the sum of not to exceed seven hundred and fifty dollars for the purpose of paying such note.

§ 2. The provisions of this act shall not affect any action or proceeding now pending in any court.

§ 3. This act shall take effect immediately.

Chap. 340.

AN ACT to legalize bonds of the village of Lakewood, to be issued for the purpose of defraying the expense of establishing a system of water-works in and for said village, and supplying its inhabitants with water, and to legalize all proceedings of the board of trustees in relation thereto, including the resolution submitted to the qualified electors of said village at a special election held on the thirtieth day of August, nineteen hundred and five, and all proceedings of said board of trustees in relation and subsequent thereto, and to provide for the payment of the principal and interest of said bonds.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the proceedings taken by the board of trustees of the village of Lakewood, in relation to borrowing, on the credit of said village, the sum of thirty thousand dollars, and to issuing the bonds of said village therefor, and to expending the money so borrowed in defraying the expenses of establishing a system of water-works for supplying the inhabitants of said village with water, and all other proceedings had by said board of trustees in any way relating thereto, are hereby legalized, ratified and confirmed, and made of the same force and effect as though all of the provisions of the laws applicable to the issuance of bonds for said purposes had been strictly complied with. The proposition voted

for and adopted at a special election of the qualified electors held in and for said village, on the thirtieth day of August, nineteen hundred and five, to authorize the construction of a system of water-works for said village, and the issuance of the bonds of the village to an amount not exceeding thirty thousand dollars for said purpose, as well as all proceedings had in relation thereto prior to and including said special election, and subsequent thereto, notwithstanding the omission of any lawful requirement from said resolution submitted to and adopted by the taxpayers of said village, are hereby legalized, ratified and confirmed. The proceedings of said board of trustees had at a meeting of said board on the first day of March, nineteen hundred and six, in relation to the number, denomination, maturity and amount of said bonds to be issued for said purposes, are hereby legalized, ratified and confirmed. The board of trustees of said village are hereby authorized to advertise, sell and issue the said bonds to the amount of thirty thousand dollars, pursuant to the provisions of sections one hundred and twenty-nine and one hundred and thirty of the general village law; and, when so advertised, sold and issued, the same are hereby declared to be legal and valid obligations of said village of Lakewood, and each and every act of said village, and said board of trustees, heretofore done, undertaken or begun in pursuance of the objects of, or any object of this act, are, and each of them is ratified and declared valid.

§ 2. The board of trustees of the village of Lakewood, in the manner provided by law, shall cause to be raised annually, by the levy and collection of taxes upon the taxable property of said village, such sums which, with the net revenues derived from said water-works system, shall be sufficient to pay the principal and interest of said bonds as the same shall become due and payable, until said bonds and the interest thereof are fully paid.

§ 3. This act shall take effect immediately.

Chap. 341.

AN ACT to amend chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-five, entitled "An act fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions, and officers of the county of Erie, relative to the office of the county auditor," and the acts amendatory thereof and supplemental thereto in relation to the powers and duties of the county auditor.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-five as amended by chapter two hundred and twenty-five of the laws of nineteen hundred and five is hereby amended so as to read as follows:

§ 2. County auditor.— There shall be in the county of Erie a county auditor, who shall be elected at a general election held in November, eighteen hundred and ninety-five and who shall take his office January first, eighteen hundred and ninety-six, and who shall be a resident freeholder of such county, and who shall hold his office for a term of four years, and until his successors have duly qualified. No person elected as county auditor shall be, when he enters upon his duties, a member of the board of supervisors, nor shall he, while holding such office be eligible to election as supervisor. The county auditor first elected under this act shall hold his office for a term of four years from January first, eighteen hundred and ninety-six. Before entering upon the duties of his office he shall take the constitutional oath of office and execute to the county of Erie, a good and sufficient bond, to be approved by the county judge in the sum of ten thousand dollars, conditioned upon the faithful performance of his duties. The annual salary of such county auditor shall be determined by the board of supervisors at a sum not exceeding twenty-five hundred dollars. Such oath and bond shall be filed in the office of the county clerk. The trustees of the city and county hall shall provide suitable rooms to be used by such auditor as an office. The board of supervisors shall from time to

time, as the business of the office of the county auditor may require, authorize the county auditor to appoint such clerks at such salaries as the board of supervisors shall fix and determine, not exceeding twelve hundred dollars each, as may be necessary for the proper transaction of business of his office. If the county auditor shall be unable to perform the duties of his office in consequence of sickness or temporary absence from the county he may designate one of the clerks in his office to act in his place; if the county auditor shall be so incapacitated for more than ten days, without making such designation, the board of supervisors may do so. Such designation shall be in writing and shall be signed by the county auditor in case he makes such designation, and by the chairman and clerk of the board of supervisors in case such designation is made by the board of supervisors. Such designation shall be filed with the county clerk, and the clerk so designated shall be known during the time of such designation as acting county auditor. The clerk so designated shall perform the duties of the county auditor until the county auditor shall resume them. A clerk so designated shall not receive any additional compensation while acting as county auditor to that which he is receiving at the time of his designation.

§ 2. Section three of chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-five is hereby amended so as to read as follows:

§ 3. Duties of county auditor.—All accounts or claims against the county for work, labor, services, merchandise or materials furnished the county or any county department and all accounts or claims against the county for fees by any officer or officers authorized to charge and collect fees from the county shall be filed in the office of the county auditor before being presented to the board of supervisors. The county auditor shall examine and report upon all accounts or claims against the county for work, labor, services, merchandise, or materials, furnished the county or any department thereof and all accounts or claims against the county for fees by any officer or officers authorized to charge and collect fees from the county, before the same shall be audited and ordered paid by the board of supervisors; he shall ascertain, before reporting to the board of supervisors, whether such accounts or claims and the prices charged therein are just and true, and whether the prices charged and the quality of the merchandise furnished are in accordance with the contract or agreement therefor, if any such contract or agreement has been

made, and whether the work, labor and services, have been performed and the merchandise or materials delivered and whether the services for which any officer or officers are entitled to collect fees from the county have been performed and whether the fees charged therefor are in accordance with law, and shall attach a certificate to each claim or account, stating the result of his examination, and if it is advised by him that any such account or claim be rejected or modified, stating the reasons for such rejection or modification. Such account or claim, with the certificate attached thereto, shall be filed in his office, and shall, during office hours, be open to public inspection. The board of supervisors shall not order any account or claim paid which the county auditor in his certificate advises should be rejected or modified, except where such account or claim is modified in accordance with the recommendations of the county auditor, unless two-thirds of all of the members elected to the board of supervisors shall vote in favor of the payment of said account or claim notwithstanding the recommendations of the county auditor. The auditor shall cause to be kept in his office such books as are necessary to contain all claims and accounts against the county presented to him for examination, and the action taken by him on each, and a record of the money appropriated by the board of supervisors for the benefit of the county institutions and officers and the amount drawn thereon, and a record of all contracts or agreements made for supplies to be furnished any county institution or county office. The county auditor shall report to the board of supervisors at each meeting thereof the balance of the appropriation to each department remaining unexpended.

§ 3. Section five of chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-five is hereby amended so as to read as follows:

§ 5. Filing and verification of accounts, warrants and receipts.

— All accounts or claims presented to the county auditor for examination by any keeper of a county institution, county official or other person shall be in duplicate, one of which shall be kept on file in the office of such keeper or official, and the other filed in the office of the county auditor. Each account or claim presented to the county auditor for examination shall be verified by the person presenting it to the effect that it is just, true and correct, and that no part thereof has been paid or otherwise settled, and that the prices charged in such account or claim

are reasonable and just, and if there is any contract or agreement therefor, that they are in accordance with such contract or agreement, a copy of which must be attached to said account or claim. All warrants upon the county treasurer for the payment of any claim examined by the county auditor and ordered paid by the board of supervisors, shall be drawn by the clerk of such board and countersigned by the chairman thereof and by the county auditor before the same are paid by the county treasurer. There shall be attached to each verified bill presented to the county auditor for examination, a receipt which shall be signed by the person receiving the warrant for the amount of such bill, and be placed on file in the office of the county auditor.

§ 4. Section six of chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-five is hereby amended so as to read as follows:

§ 6. Purchase of supplies by county institutions and officials.

—Keepers of county institutions and county officials may purchase for the use of such institutions or offices all supplies necessary for their support and maintenance, all accounts for which shall be presented to the county auditor to be examined by him, as prescribed in this act. If directed by the board of supervisors, with or without the recommendation of the county auditor, supplies for such county institutions or officers shall be purchased under contract let to the lowest bidder, upon a notice publicly announced in a manner and form prescribed by the board of supervisors. The keeper of a county institution, a county officer or the county auditor shall not be directly or indirectly interested in any contract or purchase of supplies by any such keeper or county official. All written contracts or agreements with the county for supplies for any institution or office, or for any purpose, shall be made in duplicate, one copy of which shall be filed forthwith in the office of the county auditor, together with any bond or undertaking or other security given to guarantee the performance thereof, and one copy in the office of the keeper of the county institution or county office for which such contracts are made.

§ 5. This act shall take effect immediately.

Chap. 342.

AN ACT to amend section eight hundred and fifty-four of the Greater New York charter, appropriating territory for the accommodation and use of canal boats.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight hundred and fifty-four of the Greater New York charter as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended to read as follows:

CANAL BOATS; TERRITORY APPROPRIATED TO.

§ 854. All that part of the water adjacent to the wharves of the city of New York, as hereinbefore known and bounded commencing at the easterly side of pier new number four, to and including the east side of pier number eight, East river, shall hereafter from the twentieth day of March to the thirty-first day of December in each year, be set apart, kept, and reserved for the exclusive use and accommodation of canal boats and barges engaged in the business of transporting property on the Hudson river, or coming to tide water from the canals of the state, arriving in said city from the city of Albany or any part or place north or west thereof, and for the use of lighters engaged in loading or unloading such boats or barges; and it shall be the duty of the commissioner of docks and of all officers who now are or hereafter shall be empowered by law, or by any ordinance of the City of New York, as constituted by this act, to regulate or station ships and vessels in the harbor of said city, to prohibit and prevent all other boats, ships, or vessels from entering any of the slips or approaching or lying at any of the wharves between the point aforesaid and the easterly side of pier new number eight, East river aforesaid, during the period above specified, when such slips or the wharves connected therewith shall be required for the use and accommodation of the canal boats and barges hereinbefore mentioned; and the said commissioner of docks, or other

officers, aforesaid, shall assign such other accommodations for said canal boats and barges in other parts of the port of New York, as may, from time to time, be necessary in receiving or discharging their cargoes.

§ 2. This act shall take effect immediately.

Chap. 343.

AN ACT to assess on the property benefited the cost and expense of the repairing and rebuilding of the race walls and the constructing and relaying of the pavement and curb on North Water street in the city of Rochester.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of one thousand nine hundred and nine dollars and thirty-three cents, being a portion of the cost and expense and interest thereon of repairing and rebuilding the race walls and constructing and relaying the pavement and curb on North Water street in the city of Rochester, is hereby levied and assessed upon all the water rights in the Johnson and Seymour race in the city of Rochester.

§ 2. The sum of two hundred and eighty-six dollars and ninety-six cents, being a portion of the cost and expense and interest thereon of repairing and rebuilding the race walls and constructing and relaying the pavement and curb on North Water street in the city of Rochester, is hereby assessed upon one tier lots and parcels of land in the city of Rochester on each side of North Water street from Mortimer street to the north end of the Johnson and Seymour race.

§ 3. The assessors of the city of Rochester shall prepare an assessment-roll inserting and apportioning therein the assessments hereby levied; and the sum hereby assessed by section one of this act shall be apportioned by said assessors upon the water rights described in section one of this act, according to the benefits which each shall be deemed to have received by said improvement; and the sum hereby assessed by section two of this act shall be appor-

tioned by said assessors upon all the lots and parcels of land within the territory described in section two of this act, according to the benefits which each shall be deemed to have received by the construction of said improvement. The said assessments shall be made against the owners of the property assessed, and the assessments so made and apportioned shall create a personal liability against the owners of the property so assessed, but said assessments shall not be void as against the property upon account of any error in the designation of the owner thereof. The assessments hereby levied shall be payable in one sum and the roll shall be so prepared and the said assessors shall hear allegations upon said roll, after notice, in the same manner, and shall proceed in all respects in the same manner, as though said assessment-roll were prepared and said assessments were levied pursuant to an ordinance of the common council; and said assessments shall be spread, apportioned, confirmed and collected in the same manner as other local assessments are spread, confirmed and collected in the city of Rochester in accordance with the provisions of law relating thereto, and the same proceeding shall be had upon said assessments as though they were levied pursuant to an ordinance of the common council and the cost and expense of the improvement had been certified to the city assessors by the comptroller; and the assessors, treasurer and all officers and boards of the city of Rochester are hereby directed to spread, levy and collect the sums hereby assessed in the manner provided by the charter of the city of Rochester for the spreading, levying and collecting of an assessment for a local improvement. The sums hereby levied and assessed shall be and become assessments by the city of Rochester for a local improvement and shall have the same force and effect as assessments for a local improvement levied pursuant to an ordinance of the common council; and the city of Rochester is hereby authorized and directed to pursue all remedies for the collection of sums hereby assessed that it is or may be authorized to pursue by law for the collection of assessments for local improvements levied pursuant to an ordinance of the common council.

§ 4. This act shall take effect immediately.

Chap. 344.

AN ACT to authorize a further appropriation for the maintenance of the metropolitan museum of art in the Central park in the city of New York.

Became a law, April 27, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of estimate and apportionment of the city of New York may annually, in its discretion, include in the budget for the then next ensuing financial year a sum not exceeding fifty thousand dollars, to be applied by the department of parks of said city, through the commissioner of parks for the boroughs of Manhattan and Richmond, for the keeping, preservation and exhibition of the collections in the buildings in the Central park in said city that now are, or hereafter may be, occupied by the Metropolitan museum of art, in addition to the sum or sums now authorized by law for such purposes.

§ 2. This act shall take effect immediately.

Chap. 345.

AN ACT to establish and maintain a department of creeks, drainage and parks in and for the city of Ithaca.

Became a law, April 28, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The board of creeks, drainage and park commissioners of the city of Ithaca, hereinafter designated as "the board," is hereby constituted, to consist of the mayor of the city ex officio and of the following named residents and taxpayers of said city, namely: Roger B. Williams and Robert H. Treman whose terms of office shall expire on the first day of January,

nineteen hundred and seven; Daniel W. Burdick and Henry A. Saint John whose terms of office shall expire on the first day of January, nineteen hundred and eight, and Julius M. Clapp and William M. Driscoll whose terms of office shall expire on the first day of January, nineteen hundred and nine. Each commissioner shall continue in office until his successor shall have been appointed and shall have qualified. Upon the expiration of the term of a commissioner other than the mayor, the mayor shall, subject to the ratification of the common council, appoint his successor, who shall serve for a term of three years. Vacancies shall be filled by the mayor, subject to the ratification of the common council, for the remainder of the unexpired term. All appointments shall be so made, that not more than three appointed members of the board shall be members of the same political party. Any of such commissioners may be removed from office by a two-thirds vote of the common council of said city, upon charges preferred in writing, served upon the commissioner against whom the same are preferred, and after such commissioner has had a reasonable opportunity to be heard in his own behalf. The commissioners shall receive no compensation for their services, but shall receive compensation for expenses and disbursements necessarily incurred in transacting the business of the board; when duly authorized by the board, and itemized.

§ 2. Each commissioner, before entering upon the duties of his office, shall take an oath of office prescribed by the constitution of this state, and file the same with the city clerk. The common council of said city shall provide the board with office room. The board shall organize by the selection of one of its number, as chairman, a majority of the members of the board shall be necessary for the transaction of business; but less than a majority may regularly adjourn from time to time. No contract involving the expenditure of money shall be made except by vote of a majority of the members of the board.

§ 3. The city attorney, the city treasurer and the city clerk shall act respectively as the attorney, treasurer and clerk of the board with such additional compensation as the common council may deem just. The board shall also have the power to employ and fix the compensation of an engineer, and such other assistants as it may deem necessary.

§ 4. The said board of creek, drainage and park commissioners of the city of Ithaca, is hereby empowered and directed, for and

in the name of the city of Ithaca, to take charge and have control of all parks and watercourses in said city. The board is also empowered to enter upon any lands for purposes of survey and examination; to adopt, and to execute, such plans for the laying out, improvement and maintenance of the parks and providing additional parks either within or without the limits of the city of Ithaca, for the drainage of the city, and for the purpose of controlling and regulating the flow of water in the creeks and watercourses and for protection against overflow and for providing relief channels or additional watercourses and bridges for the same, as the board shall deem for the best interests of the city; to alter, deepen, widen and change the direction of the channel or current of said creeks or watercourses, or of any of them; to increase, diminish, entirely prevent or change in any way the customary flow of water and to cause the same to flow against or upon any other land; to build walls, embankments or levees, and if deemed necessary to make them of sufficient width for the construction of streets, alleys or driveways thereon; to enter upon, take possession of and appropriate, any lands, rights or interests, that may be deemed requisite for any of the purposes herein specified; to sell and convey any lands or property acquired under this act whenever it is deemed by the board for the best interests of the city so to do; and to do any and every act or thing that may be necessary to carry out the full intent and purpose of this act.

§ 5. The board may acquire for park purposes by gift, purchase or condemnation, in the manner provided by this act, all or any of the lands within or without the limits of the city of Ithaca, which in the judgment of the board may be injurious or detrimental to the health of any of the inhabitants of said city. The said board shall have the power to lay out, cultivate and improve the lands so taken; may adopt and carry into effect such measures and devices as may in the opinion of said board be deemed necessary to prevent the growth or formation of disease-producing germs or organisms, or to otherwise render such lands not injurious or harmful to the health of any of the inhabitants of said city; and may when such lands or any part thereof are so improved as to be no longer injurious or detrimental to the health of any of the inhabitants of the city of Ithaca, sell and convey any part of the said lands deemed unnecessary for park purposes. The proceeds of the sale or sales of any such lands shall be paid to the treasurer of the board, and shall be

applied by him in payment of any bonds issued pursuant to the provisions of this act, or in the establishment of a sinking fund therefor. Nothing in this section or any other section of this act is to be construed as limiting the power given to the board to acquire other lands for park purposes, or to sell any other lands or property acquired under the provisions of this act.

§ 6. Before taking possession of any lands under this act, and before the service of the notice prescribed by section thirty-three hundred and sixty-one of the code of civil procedure, the board shall adopt a plan of the particular improvement for which said lands are to be taken and shall file a description of such plan with the city clerk. The board may purchase or contract for the purchase of any and all lands or rights and interests therein that it may be necessary to acquire to carry out the provisions of this act. No lands or rights shall be purchased of any member of the board, nor any contract made with any member therefor, nor shall any claim for damages on the part of any member of the board filed as hereinafter set forth be settled, without the concurrence of the common council by resolution adopted by a two-thirds vote. No lands shall be appropriated for park purposes, without the concurrence of the common council by resolution approving the same duly adopted by a two-thirds vote, except in cases where lands may be improved incidentally to drainage operations.

§ 7. Whenever the board shall have determined to take and appropriate any lands, rights, interests or easements deemed by it necessary in the execution of any plan or improvement so adopted, or in the execution of any part of any plan, and the same shall not have been otherwise acquired, the said board may proceed to the condemnation of the same pursuant to the provisions of titles one and two of chapter twenty-three of the code of civil procedure. Nothing in this act shall be so construed as to authorize any compensation for damages, for which the city would not otherwise be responsible. All persons upon whom, or in respect to whose lands, the said condemnation proceedings shall have been had, are forever barred from maintaining any claim, right of action or proceeding, to recover damages from the city of Ithaca by reason of the making of such improvement, or of any work done in pursuance of the plan adopted therefor, or of any change in the flow of any stream or current caused thereby, except in the condemnation proceedings by which said lands or rights in land were acquired.

§ 8. Upon completing any such improvement, or any portion thereof, in case it shall appear to the board that property in the locality (whether immediately adjacent or more remote) is especially benefited thereby, the board shall thereupon determine what portion, if any, of the expense of such improvement including the damages awarded, or cost of acquiring lands and rights, not exceeding in their judgment the amount of the benefit, shall be assessed upon the property benefited, and what portion, if any, shall be paid by the city at large; shall determine the area, district or territory benefited and shall forthwith assess the expense and damages that are to be paid by local assessment upon the lots and parcels of land to be benefited thereby, to the several owners or occupants thereof when known and when unknown, to the unknown owner of such lots and parcels of land describing the same, in proportion as nearly as may be to the benefits arising from the making of such improvements, and shall make and file a written statement on such assessments with the city clerk, who shall give public notice in two newspapers published in said city that the same has been left with him, and that the common council will on a certain day therein specified, which shall be at least ten days after the first publication of said notice, proceed to confirm said assessments. At the time so specified any person interested may appear before the common council and apply to have such assessments altered or corrected, as justice may require. The common council may thereupon alter and correct and confirm such assessments without further notice; and when so confirmed, the amount of each such assessment shall be a lien upon the real property upon which it is assessed. Within sixty days after the confirmation of any such assessment, the amount thereof or one-fifth of the amount thereof, may be paid to the treasurer of the board. If no part of any such assessment shall be paid to the treasurer within the time so provided, the person to whom any such assessment is made, shall be deemed to have elected to pay the whole of such assessment in five equal annual instalments with the additions made thereto as hereinafter provided and if only one-fifth of any such assessment shall be so paid, the person paying such one-fifth shall be deemed to have elected to pay the balance of such assessment remaining unpaid in four equal annual instalments with additions hereinafter provided. If no part of any such assessment or only one-fifth of any such assessment shall have been

or shall be paid to the treasurer within the time so provided, the common council shall add five per centum to the amount of each such uncollected assessment and thereupon, by resolution, authorize the mayor and city clerk to issue bonds or other obligations of the city under their hands and the corporate seal of said city for the total amount of such unpaid assessment with the addition of five per centum thereto, which bonds or other obligations shall, in case the whole of any such assessment shall remain unpaid, be payable in five equal annual instalments and in case the one-fifth part of any such assessment shall have been paid, then in four equal annual instalments with interest annually. In either case, at the lowest rate not to exceed five per centum at which the said bonds or other obligations can be negotiated for their par value and shall deliver the same to the treasurer who shall sell such bonds for their par value at the lowest rate of interest not exceeding five per centum at which he can make such sale, which may be either public or private. A record of such bonds showing the number, denomination, rate of interest and time and place where payable shall be kept by the city clerk. The moneys realized from the sale of such bonds shall be deposited by the treasurer in a bank or banks designated by the common council and be kept separate and distinct from other funds of the city of Ithaca to be used solely for the purposes specified in this act. All payments from such deposits shall be made by the treasurer upon order of a majority of the common council. In each annual city assessment-roll thereafter, until the whole amount is paid, an instalment of any such assessment being the one-fifth part of the whole assessment with the five per centum addition and with interest for one year on the whole amount unpaid, shall, at the rate of interest borne by the said bonds or other obligations, be added to the amount otherwise assessed upon such real property to the owners or occupants thereof, to be collected in the same manner provided for the collection of unpaid taxes in the city of Ithaca by chapter two hundred and twelve of the laws of eighteen hundred and eighty-eight and all of the provisions of that act relating to the collection of unpaid taxes shall be in force and apply hereto. Such added amounts, when collected, shall be paid to the treasurer to be applied in the payment of the instalment of bonds falling due for that year, together with the interest thereon, if any there be accrued. After the payment of such instalment of bonds and accrued interest thereon, if there remain a sum unexpended for

such purpose, such balance shall be used in further improvements, in the payment of moneys borrowed, or expenses incurred in anticipation thereof, or in the expense of maintenance as the common council shall deem for the best interests of the city. Any deficiency in the amount required for the payment of any instalment of said bonds in full at the time that they become due after applying thereon the moneys applicable thereto as hereinbefore set forth, shall be paid by the city of Ithaca and in lieu thereof any moneys subsequently collected, which, if received in time which have been applicable to the payment of such deficiency, shall be paid to the general fund of the city of Ithaca.

§ 9. The said board of creek, drainage and park commissioners at such time or times as they may deem for the best interests of the city, in addition to any bonds which may be issued by the common council for unpaid assessments as provided in section eight of this act, may issue bonds of the city of Ithaca to an amount not exceeding the sum of one hundred thousand dollars, and expend the proceeds thereof in making the improvements provided for by this act or any part thereof. Such bonds shall be issued upon the credit of the city of Ithaca and bear interest at a rate not exceeding four per centum per annum, payable semi-annually on the first days of February and August of each year. None of the principal shall be payable within fifteen years, but after the expiration of that time five thousand dollars of the principal shall be paid annually. Such bonds shall be either coupon or registered bonds, consecutively numbered in such denominations as the board shall determine, but in such manner that five thousand dollars thereof shall mature at the expiration of each year thereafter, the bonds to be retired in numerical order. They shall be signed by the mayor of the city and attested by the city clerk under the official seal of the city, and payable, principal and interest, at some place to be designated therein pursuant to resolution of the board. A record of such bonds, showing the number, denomination, rate of interest and time when and place where payable, shall be kept by the treasurer of the board. The bonds shall be sold by the board at public or private sale on the best terms obtainable at not less than par. The proceeds of the sale of such bonds shall be paid to the treasurer of the board and deposited by him in a bank or banks designated by the board. All payments from such deposits shall be made by the treasurer upon the order of a majority of the board. Such bonds and the proceeds thereof are to be used solely for the purposes set forth in this act.

§ 10. The common council of the city of Ithaca shall include in the tax levy and cause to be collected each year for fifteen years after the issue of such bonds a sum sufficient to pay the interest on all such bonds as have been negotiated or sold. After the expiration of such term of fifteen years the common council shall annually raise as aforesaid, until all the bonds are paid, the sum of five thousand dollars, together with a sum sufficient to pay the interest on the bonds unpaid.

§ 11. The board shall in each year, on the first day of January, or as soon thereafter as practicable, submit to the common council a detailed statement of the amount necessary for the then current year to pay the expenses of maintenance and repairs of all the work and property constructed by it or intrusted to its care under the provisions of this act, which amount shall not exceed the sum of ten thousand dollars. And the board may include in such statement to the common council the estimated expense of specified additions, extensions or alterations, not exceeding the additional sum of ten thousand dollars in any one year, when in their opinion such additions, extensions or alterations are necessary; and the common council shall cause the sum so required for maintenance and also in case the common council shall, by resolution adopted by a two-thirds vote, approve such additional sum if any to be raised by the levy and collection of a tax in the same manner as other taxes are raised for public purposes, and shall cause the same to be paid over to the treasurer of the board for the purposes specified in such statement. Any limitation prescribed by the charter of said city as to the amount to be raised by general tax is not applicable to the provisions of this section.

§ 12. The board shall have the entire control of the creeks and parks and of the property acquired or constructed pursuant to the provisions of this act, and may make such rules and regulations in relation thereto as it may deem necessary, and provide for the enforcement of the same by the infliction of penalties for their violation. All such rules and regulations shall be published at least once in a daily newspaper of the city of Ithaca, and at such other times and in such manner as the commissioners may prescribe. The board shall prior to the first of January in each year make to the common council of the city of Ithaca a report of all its transactions during the preceding year, which shall contain an account of what has been done by it, of the moneys received and the sources from which it came, with a detailed statement of its expenditures.

§ 13. This act shall take effect immediately.

Chap. 346.

AN ACT to provide for a commission to inquire into the subject of taxation for state and local purposes, and the expediency of revising and amending the laws relating thereto, and making an appropriation therefor.

Became a law, April 30, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Within twenty days after this act takes effect, there shall be appointed in the manner hereinafter provided fifteen persons, whose duty it shall be to inquire into the subject of assessment and taxation for state and local purposes, the operation and effect of the laws relating thereto, and the expediency of revising and amending such laws so as to establish a more equal and just system of raising necessary public revenues, and to report to the next legislature on or before January fifteenth, nineteen hundred and seven, the result of their investigations, together with bills to carry out the recommendations of the commission in regard to the revision or amendment of the tax laws of the state. Five of the persons shall be appointed by the governor, five shall be appointed from the senate by the president of the senate and five from the assembly by the speaker of the assembly. The members of the commission shall not receive a salary, but each shall be entitled to his actual and necessary expenses incurred in the performance of his duties under the provisions of this act, to be paid by the state treasurer on the audit and warrant of the comptroller.

§ 2. Said commission hereby is authorized and empowered to require and enforce the attendance of witnesses and the production of books and papers, to administer oaths, and to employ counsel, experts, stenographers, clerks and such other employees as may be necessary for the purpose of their investigation and report.

§ 3. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, to be paid by the state treasurer on the audit and warrant of the comptroller, to carry out the purpose of this act.

§ 4. This act shall take effect immediately.

Chap. 347.

AN ACT to legalize the proceedings of the board of trustees of the village of Cobleskill, Schoharie county, New York, in submitting to the voters of said village at its annual election held in December nineteen hundred and five a proposition to borrow money and issue bonds for the grading, macadamizing, curbing, paving, draining, laying surface water sewers and improving certain streets in the village of Cobleskill and for purchasing machinery as stated in a proposition submitted to and adopted by said electors and legalizing the vote on said proposition and all proceedings of said board of trustees had thereunder and to provide for the payment of the principal and interest of said bonds issued or to be issued thereunder.

Became a law, May 1, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the proceedings taken by the board of trustees of the village of Cobleskill, Schoharie county, New York, prior and subsequent to the annual election held in said village on the fourth day of December nineteen hundred and five, and the proceedings taken and had at such election relating to the issuing of the bonds of said village not exceeding the sum of fifty-five thousand dollars for the purpose of defraying the costs and expenses of paving, macadamizing, draining, grading, curbing, laying surface water sewers, and improving certain streets in said village and for the purchase of a steam roller and other road making machinery, are hereby ratified, confirmed and legalized, as well also as the proposition adopted at said election, and all proceedings had thereunder; and the bonds of said village issued and sold, or to be issued and sold in pursuance of such proceedings are hereby declared to be valid and binding obligations of said village.

§ 2. The board of trustees of said village of Cobleskill shall cause to be raised annually by the levy and collection of taxes upon the taxable property of said village, such sum which shall be sufficient to pay the principal and interest of said bonds as the same shall be come due and payable.

§ 3. Nothing in this act contained shall be so construed as to affect any action or proceeding pending in any court when this act takes effect.

§ 4. This act shall take effect immediately.

Chap. 348.

AN ACT to legalize the proceedings of the board of trustees of the village of Sandy Hill in borrowing certain moneys.

Became a law, May 1, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All the proceedings of the board of trustees of the village of Sandy Hill in the years nineteen hundred and four and nineteen hundred and five in borrowing the sum of nine thousand five hundred dollars which now remains unpaid, are hereby legalized and confirmed, and the claims for the moneys so borrowed, including any interest thereon, are hereby declared to be valid and legal claims against the said village of Sandy Hill.

§ 2. This act shall take effect immediately, but shall not affect any action or proceeding now pending.

Chap. 349.

AN ACT to amend chapter three hundred and seventy-eight of the laws of eighteen hundred and eighty-three, entitled "An act in relation to receivers of corporations," in relation to commissions and the designation and compensation of counsel, and repealing the section of the revised statutes relating to the compensation of receivers.

Became a law, May 1, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter three hundred and seventy-eight of the laws of eighteen hundred and eighty-three, entitled "An act in relation to receivers of corporations," as amended by

chapter two hundred and seventy-five of the laws of eighteen hundred and eighty-six, and chapter five hundred and six of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 2. A receiver of a corporation, except a receiver appointed in proceedings for its voluntary dissolution, is entitled, in addition to his necessary expenses, to such commissions, not exceeding two and one-half per centum upon the sums received and disbursed by him, as the court by which or the judge by whom he is appointed allows, but except upon a final accounting such a receiver shall not receive on account of his services for any one year a greater amount than twelve thousand dollars, nor for any period less than a year more than at that rate. Upon final accounting, the court may make an additional allowance to such receiver, not exceeding two and one-half per centum upon the sums received and disbursed by him, if the court is satisfied that he has performed services that fairly entitle him to such additional allowance. Where more than one receiver shall be appointed, the compensation herein provided shall be divided between said receivers.

§ 2. Such act is hereby amended by inserting therein a new section to be section two-a, and to read as follows:

§ 2-a. If the receiver of a corporation employs counsel he shall within three months after he has qualified as receiver enter into a written contract fixing the compensation of such counsel at not exceeding a certain amount or a certain percentage of the sums received and disbursed by him, which contract must be approved by the supreme court, on at least eight days' notice to the attorney-general. A payment by such receiver to his counsel on account of services shall only be made, pursuant to an order of the court, on notice to the attorney-general and subject to review on the final accounting. A contract with counsel shall not be made for a longer period than eighteen months, but may be renewed from time to time for periods of not more than one year, if approved by the supreme court on at least eight days' notice to the attorney-general.

§ 3. Section seventy-six of title four of chapter eight of part three of the revised statutes, entitled "Powers and duties of permanent receivers" is hereby repealed.

§ 4. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 5. This act shall take effect immediately.

Chap. 350.

AN ACT to amend the code of civil procedure, relative to the records of surrogates' courts.

Became a law, May 1, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The code of civil procedure is hereby amended by inserting therein a new section as follows:

§ 2502. Each surrogate must provide a book in which shall, upon the application of any person interested, be recorded instruments settling estates, in whole or in part, executed by one or more executors, administrators, or testamentary trustees and one or more legatees, devisees, distributees or creditors; also like instruments executed by guardians and wards who have attained full age; also instruments acknowledging payment of moneys pursuant to the provisions of decrees for the judicial settlement of accounts of executors, administrators, testamentary trustees and guardians. Every such instrument to be recorded shall be acknowledged or proved and certified in like manner as would be required in the case of a deed of real estate to be recorded in the same county; and the record thereof, or a certified copy of such record, shall be presumptive evidence of the contents of such instrument and its due execution. The person presenting any such instrument for record shall pay to the clerk of the surrogate's court a fee of ten cents for each folio. The expense of providing the book specified in this section is a county charge.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 351.

AN ACT empowering the comptroller of the city of New York to refund to the Roman Catholic church of Saint Martin of Tours, or the trustees thereof, moneys paid as assessments for public improvements upon certain real property belonging to said church in the borough of the Bronx, New York city.

Became a law, May 2, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The comptroller of the city of New York is hereby authorized and empowered, in his discretion, to refund, ninety days after demand, to the Roman Catholic church of Saint Martin of Tours, or the trustees thereof, the amounts paid by, or on behalf of, said church during the years nineteen hundred and three and nineteen hundred and four as assessments for public improvements, upon the real property of said church situated in the borough of the Bronx, New York city and designated upon the tax maps of said city as block three thousand and eighty-three, lot thirty-four and block three thousand and eighty-four, lot one.

§ 2. This act shall take effect immediately.

Chap. 352.

AN ACT to amend chapter two hundred and ninety-eight of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the government of the city of Albany" as amended by chapter two hundred and eighty-six of the laws of eighteen hundred and ninety-one as amended by chapter four hundred and twenty of the laws of nineteen hundred and one in relation to buildings in said city.

Became a law, May 3, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of title twenty of chapter two hundred

and ninety-eight of the laws of eighteen hundred and eighty-three, entitled "An act to provide for the government of the city of Albany," as amended by chapter two hundred and eighty-six of the laws of eighteen hundred and ninety-one as amended by chapter four hundred and twenty of the laws of nineteen hundred and one is hereby further amended so as to read as follows:

§ 1. No building, shed, shop or other structure of any kind, the outside walls, party-walls or exterior lateral walls of which shall be composed in whole or in part of wood, shall hereafter be constructed within the fire limits of the city of Albany, nor shall any such building, shed, shop or other structure be removed or transferred from any place outside of said fire limits to any vacant lot within said fire limits, or there be maintained as said fire limits are now established or may hereafter be established by the common council of said city, except that there may be erected and maintained at any point west of Lark street in said city and within the fire limits as now or hereafter established, a detached villa residence of wood, designed for the use of and to be occupied by one family provided that no part thereof shall be within eight feet of the side or rear lines of the lot upon which it stands or ten feet of the street line, nor shall any part of such a building be within eight feet of any brick or stone structure or sixteen feet of any frame or wooden structure; nor shall any building, shed, shop or other structure in whole or in part of wood as aforesaid, now existing or that may hereafter exist within the fire limits of said city be altered, rebuilt, added to or repaired in whole or in part with wood, except such detached villa residence, as to its outside walls, exterior lateral walls, party-walls or roof, except in the way of ordinary repairs, ordinary wear and tear; provided, however, that when any inclosed building, that is to say, a building having lateral exterior walls completely inclosing its area, and said walls resting in or upon the ground and said building covered at the top of said walls with a roof, is erected or constructed or now exists, the said exterior walls of which are wholly of brick, stone or iron as hereinafter described, wood may be used in the construction, alteration, rebuilding or repairing of its exterior doors, windows, stoops, balconies, cornices and piazzas, and in the construction, alteration, rebuilding and repairing of its interior, and of the roof, provided the roof be covered completely with some metallic or slate fireproof substance. No sheet iron, corrugated iron or

other metal shall be used for the construction of the outside walls or exterior lateral walls of such building, shed, shop or other structure unless as a covering for a brick wall which shall be at least eight inches in thickness throughout its whole extent.

§ 2. This act shall take effect immediately.

Chap. 353.

AN ACT to amend the penal code in relation to racing near a courthouse, in certain counties.

Became a law, May 4, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-seven of the penal code, is hereby amended to read as follows:

§ 147. **Racing near a courthouse.**—A person concerned in any racing, running or other trial of speed between horses or other animals, within one mile of the place where a court is actually sitting, is guilty of a misdemeanor; and it shall not be lawful for any person, association, corporation or copartnership to build, maintain or operate any racetrack within four miles of any courthouse situated in a county adjoining a city of the first class which by the last state enumeration contained not more than seventy-two thousand inhabitants and not less than sixty-eight thousand inhabitants; but nothing in this section shall apply to or affect trials of speed between horses or other animals upon the grounds of a county agricultural society during the days on which the fairs of such society are held, nor apply to or affect the maintenance and operation of any racetrack upon which races were conducted in the year nineteen hundred and five under the license of the state racing commission.

§ 2. This act shall take effect September first, nineteen hundred and six.

Chap. 354.

AN ACT to amend chapter one hundred and twenty-three of the laws of nineteen hundred and six, entitled "An act providing for the election of directors in mutual life insurance corporations," relative to the date of election of directors.

Became a law, May 4, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter one hundred and twenty-three of the laws of nineteen hundred and six is hereby amended to read as follows:

§ 1. The annual election of directors of every domestic mutual life insurance corporation, whether incorporated by a special act or under a general law, which otherwise according to its charter or by-laws would be held prior to December eighteenth, nineteen hundred and six, shall be postponed and held on said date and the directors of said corporations whose terms would otherwise earlier expire shall continue to hold office until said date and until their successors are elected; and on said date the terms of office of all the directors of every domestic mutual life insurance corporation shall expire, anything to the contrary in the charter or by-laws thereof notwithstanding. On said eighteenth day of December, nineteen hundred and six, the annual meeting of every such corporation shall be held at a time and place which shall be fixed by the board of directors and an entire new board of directors shall then be elected. The said elections shall be under the supervision of the superintendent of insurance who shall appoint at least three policy-holders of each corporation holding such an election to act as inspectors thereof. No votes shall be cast at any such election under any proxy executed prior to the eighteenth day of October, nineteen hundred and six, and all proxies executed heretofore or prior to said date authorizing any vote to be cast at any election of directors of any domestic mutual life insurance corporation shall be void.

§ 2. This act shall take effect immediately.

Chap. 355.

AN ACT to authorize the town board of the town of Tyrone, county of Schuyler, to consolidate election districts in such town.

Became a law, May 9, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town board of the town of Tyrone, Schuyler county, may, on or before the thirtieth day of June, nineteen hundred and six, consolidate the two election districts of such town, and thereafter all elections in such town shall be held in one election district. On or before the first day of September, nineteen hundred and six, the town board shall appoint from the inspectors of election in office in the districts consolidated, four inspectors of election for such consolidated election district, two of whom shall belong to the political party which at the last preceding general election for state officers shall have cast the greatest number of votes in such town, and the other two of whom shall belong to the political party which shall have cast the next greatest number of votes at such election.

§ 2. This act shall take effect immediately.

Chap. 356.

AN ACT to legalize the official acts of certain justices of the peace and authorizing them to execute and file official bonds and official oaths and certificate.

Became a law, May 9, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The official acts of every justice of the peace duly elected or appointed to office heretofore done and performed as far as such official acts may be affected, impaired or questioned by reason of the failure of any such justice of the peace to take,

subscribe and file the official oaths or give an official bond or undertaking as required by law or within the time prescribed by law of failure to file the certificate prescribed by section fifty-eight of the town law, are hereby legalized, ratified and confirmed, and any justice of the peace heretofore elected or appointed to the office who has neglected to file an official bond or undertaking or to take the oath of office or to file the certificate prescribed by said section fifty-eight of the town law within the time prescribed by law, may take such oath, file such bond or undertaking, or such certificate within sixty days from and after the passage of this act and the same shall have the same force, effect and validity as if the same had been done within the time prescribed by law. Nothing herein contained shall affect any action or proceeding pending when this act shall take effect.

§ 2. This act shall take effect immediately.

Chap. 357. .

AN ACT providing for the removal to the Monroe county hospital of persons held under arrest in Monroe county, but not convicted, who are presumably insane or in need of hospital treatment.

Became a law, May 9, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Whenever a person who is held in custody for any cause, other than arrest upon a charge of felony or pursuant to a judgment of conviction, in a police station, lockup, county jail or other place of detention in the county of Monroe for persons who are charged with crime, appears to the keeper of the jail or person then in charge of said place of detention to be probably insane, or to be so ill from any cause as to require immediate treatment in a hospital, said keeper or person in charge shall at once call a physician to examine said person, and if said physician certifies in writing that in his opinion it is reasonable that such person be held for examination as to his sanity, or certifies that such person is so ill as to need immediate

hospital treatment, the said keeper or person in charge shall at once transfer such person to the Monroe county hospital, where he shall be received, which hospital, for such purpose, is hereby declared to be a house of detention; and the superintendent of the poor of said county, his deputy, or other person in charge of said county hospital, is authorized to exercise such restraint upon such person so transferred as may be necessary until the question of his sanity can be determined as provided by law, or if otherwise ill and in need of hospital care, until he recovers sufficiently from such illness to be returned to his former custody; and the said superintendent shall provide suitable medical aid for such person while in said hospital. Any criminal action or proceeding of that nature pending against said person shall be held open or continued from time to time by adjournment as may be necessary, or may be dismissed by the court before which or magistrate before whom the charge is pending, as justice may require; and if the person aforesaid is duly declared to be insane according to the provisions of the insanity law, and it appears to said court or magistrate that he was probably insane when the offense for which he was arrested was committed, the criminal charge against him shall be dismissed forthwith and, if committed to a hospital for the insane, he shall be committed thereto as a civil patient.

§ 2. It shall be the duty of the jail physician, upon request of the keeper of the jail, to examine forthwith any such person confined in said jail, and it shall be the duty of the police surgeon of the city of Rochester, and of any of the city health physicians thereof, to examine forthwith any person so held in confinement in any police station or other place of detention maintained by said city, upon request of the person in charge thereof, for the purpose of making the certificate provided for in section one of this act; and the said jail physician, police surgeon or city health physician shall receive no compensation for such examination in addition to the regular salary of his office. But if the said keeper or person in charge shall be unable to secure the prompt attendance of an official physician as aforesaid, it shall be his duty forthwith to call some other physician for the purpose of making such examination and certificate, and the reasonable fees of such physician or of a physician called to examine such a person confined outside the city of Rochester but in said county, shall be a charge upon and be paid by the county, city or town, as the case may be, which would be liable for the support of the

person so examined were such person a public charge; but such person and such of his relatives as would be liable for his support were he maintained as a poor person are, and each of them is, liable to the county, city or town for the expense thus incurred.

§ 3. The said keeper or person in charge of such place of detention shall deliver to the superintendent of the poor of said county, or to the person in charge of said Monroe county hospital, the certificate of said physician with an order in writing, signed by said keeper or person in charge, stating the nature of the offense for which said person was taken into custody and directing his transfer to said Monroe county hospital, which certificate and order shall constitute due warrant for the detention of said person in the said Monroe county hospital until his recovery, unless he is sooner released from custody pursuant to law, or until his commitment to an institution for the insane, if he shall be determined to be insane in accordance with the provisions of the insanity law.

§ 4. It shall be the duty of the superintendent of the poor of said county, or other person then in charge of the said Monroe county hospital, upon the transfer to said hospital of any person sent there for the purpose of being examined as to his sanity, as aforesaid, forthwith to institute a proper proceeding for the purpose of determining the question of the sanity of such person according to the provisions of the insanity law, and the expense of such proceeding, including the fees of the medical examiners in lunacy, shall be charged upon and be paid by the county of Monroe, which county may recover the amount so paid, together with the reasonable cost of his maintenance at said county hospital, from said person so examined or his estate, or from the city, town or other county which would be liable for his maintenance as a poor person if he were a public charge.

§ 5. This act shall take effect immediately.

Chap. 358.

AN ACT making appropriations for repairs, renewals and betterments for the several state prisons, the Eastern New York reformatory, the Matteawan state hospital for insane criminals and the Dannemora state hospital for insane convicts, and re-appropriating certain moneys therefor.

Became a law, May 9, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The several sums hereinafter named, or so much thereof as may be necessary, are hereby appropriated for the several purposes at the respective institutions hereinafter specified, to be expended under the direction of the superintendent of state prisons, namely:

SING SING PRISON.

For repairs to warden's residence, one thousand dollars; payable from the capital fund of Sing Sing prison, for the construction and equipment of school rooms, twenty-five hundred dollars.

AUBURN PRISON.

Payable from the convict deposit and miscellaneous earnings fund of Auburn prison: For heating system for warden's residence, twenty-two hundred dollars; for observation cells, five hundred dollars; for repairs to lighting plant, five hundred dollars; for metal ceilings in mess hall, five hundred dollars; payable from the capital fund of Auburn prison, for the construction and equipment of school rooms, six thousand six hundred dollars.

CLINTON PRISON.

For concrete floor in east cell hall, one thousand dollars; for new gatehouse, three hundred dollars; payable from the capital fund of Clinton prison, for the construction and equipment of school rooms, thirteen hundred dollars.

Reappropriation.—The sum of fifteen hundred dollars being the unexpended balance of appropriation made by chapter seven hundred and twenty-five, laws of nineteen hundred and four "For

furnishing new mess hall and hospital " at Clinton prison, is hereby reappropriated and made available for grading about new building at Clinton prison.

MATTEAWAN STATE HOSPITAL.

For new building for women, thirty-eight thousand dollars; for icehouse, one thousand dollars; for floors, fifteen hundred dollars; for painting, one thousand dollars; for library books, five hundred dollars; for furniture and bedding, one thousand dollars; for additional roadway to hospital lands, six hundred dollars.

DANNEMORA STATE HOSPITAL.

For construction of foundation of an additional wing, ten thousand dollars; for stone to be dressed by prisoners for such additional wing and for tools and guarding prisoners so employed, thirty-five hundred dollars; for grading, two thousand dollars; for hennerly, two hundred dollars; for employees' quarters and stable, thirty-five hundred dollars; for sidewalk, five hundred dollars; for painting, fifteen hundred dollars; for furnishing for additional patients, two thousand dollars; for books for library, three hundred dollars; for lathe, twelve hundred dollars.

STATE PRISON FOR WOMEN.

Reappropriation.—The sum of fifteen hundred dollars, being the unexpended balance of appropriation made by chapter seven hundred and four, laws of nineteen hundred and five, for repairs to sewers and main arch at the state prison for women, is hereby reappropriated and made available for the reconstruction of the heating apparatus at the state prison for women.

EASTERN NEW YORK REFORMATORY.

For trade school and shop building.—For heating system, twenty-four hundred dollars; for plumbing system, eighteen hundred dollars; for lighting system, twenty-six hundred dollars; for further construction of yard wall, twenty-five hundred dollars.

§ 2. No part of the several sums appropriated shall be available for any construction unless a contract or contracts shall have first been made for the completion of such construction as the state architect and superintendent of state prisons may de-

cide cannot be advantageously done by convict labor, and the performance of said contract secured by satisfactory bond approved by the comptroller, or until the state architect certifies to the comptroller that in his judgment the balance of the several items of construction herein provided for can be completed by the use of convict labor within the appropriations therefor.

§ 3. This act shall take effect immediately.

Chap. 359.

AN ACT to amend the state printing law, relative to contracts for departmental printing.

Became a law, May 9, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ten of chapter five hundred and seven of the laws of nineteen hundred and one, entitled "An act in relation to state printing, constituting chapter fifty-two of the general laws, and repealing certain acts and parts of acts inconsistent therewith," is hereby amended to read as follows:

§ 10. Department printing.—The said printing board shall, on or before the first day of June, nineteen hundred and two, and on or before the first day of June in each alternate year thereafter, give notice in two newspapers of opposite political faith in each judicial district of the state, that they will, thirty days after the publication of such notice and on a day named therein, receive sealed proposals for the whole of the department printing provided to be done under this chapter, the work to be performed as prescribed by law and in the notice published by said board, for a period of two years from and after the first day of October, following the publication of said notice, except that the first contract let under the provisions of this article shall be for a period commencing on the twentieth day of January, nineteen hundred and three, and ending on the thirtieth day of September, nineteen hundred and four. Said notice to bidders shall be prepared by said printing board, setting forth in the advertisement, as near as may be, the amount of work which was performed during the preceding year of the various kinds

called for by the proposal. To every bid there shall be annexed a satisfactory guaranty for the proper performance of the contract by a guarantor, certified by the county judge of the county or a supreme court judge of the district where the guarantor resides, that said guarantor is a freeholder and able to make good his guaranty together with a certified check on some state or national bank for the sum of ten thousand dollars or the same amount in lawful money. Said board shall have the right to reject any proposal or proposals, if deemed unfavorable or disadvantageous to the state, and readvertise for proposals for the same until advantageous and satisfactory bids shall be received, and shall so readvertise whenever any contract shall be annulled or abrogated, as provided by this chapter. At the expiration of the period of publication of said notice, and at the time therein mentioned, the said board shall open said proposals and enter into a contract with such person, corporation or firm as shall make the lowest offer, and it may discriminate in favor of such bid as it may deem most favorable to the state, computed upon the basis of the amount of work done during the preceding year of the various kinds called for by the proposal, and shall give security to the people of the state of New York, for the faithful performance of the contract in an amount and in the form to be approved by said printing board. The printing board shall furnish all persons, desiring to propose or bid for the department printing, blanks for proposals or bids for such printing in the form following:

To the honorable the secretary of state, comptroller and attorney-general:

.....(name of firm and place of business)
propose to do the public printing payable by the state, other than legislative printing, for the state of New York, at the prices and on the conditions herein named, and agree to comply fully with the requirements of law relative to the said printing, and perform such work in quantity, quality and manner set forth, described and provided in the advertisement or notice calling for proposals for said printing, to wit:

Circulars and blanks.

Size number naught. Four and one-half by five and one-half inches or under; on number one paper, for one hundred copies, exclusive of composition, at.....; each one hundred copies additional, at

Size number one. Five and one-half by eight and one-half inches or under; on number one paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number one. Five and one-half by eight and one-half inches or under; on number two paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number one. Five and one-half by eight and one-half inches or under; on number three paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number two. Eight and one-half by eleven inches or under; on number one paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number two. Eight and one-half by eleven inches or under; on number two paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number two. Eight and one-half by eleven inches or under; on number three paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number two. Eight and one-half by eleven inches or under; on number four paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number three. Eleven by seventeen inches or under; on number one paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number three. Eleven by seventeen inches or under; on number two paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number three. Eleven by seventeen inches or under; on number three paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number three. Eleven by seventeen inches or under; on number four paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number four. Seventeen by twenty-two inches or under; on number one paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number four. Seventeen by twenty-two inches or under; on number two paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number four. Seventeen by twenty-two inches or under; on number three paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number four. Seventeen by twenty-two inches or under; on number four paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number five. Eight and one-half by fourteen inches or under; on number one paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number five. Eight and one-half by fourteen inches or under; on number two paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number five. Eight and one-half by fourteen inches or under; on number three paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number five. Eight and one-half by fourteen inches or under; on number four paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number six. Fourteen by seventeen inches or under; on number one paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number six. Fourteen by seventeen inches or under; on number two paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number six. Fourteen by seventeen inches or under; on number three paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number six. Fourteen by seventeen inches or under; on number four paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number seven. Seventeen by twenty-eight inches or under; on number one paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number seven. Seventeen by twenty-eight inches or under; on number two paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number seven. Seventeen by twenty-eight inches or under; on number three paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number seven. Seventeen by twenty-eight inches or under; on number four paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number eight. Nineteen by twenty-four inches or under; on number one paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number eight. Nineteen by twenty-four inches or under; on number two paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number eight. Nineteen by twenty-four inches or under; on number three paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number eight. Nineteen by twenty-four inches or under; on number four paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number nine. All sizes above nineteen by twenty-four inches; on number one paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number nine. All sizes above nineteen by twenty-four inches; on number two paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number nine. All sizes above nineteen by twenty-four inches; on number three paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Size number nine. All sizes above nineteen by twenty-four inches; on number four paper, for one hundred copies, exclusive of composition, at; each one hundred copies additional, at

Composition at per one thousand ems extra, ten-point standard, measuring to edge of printed lines only.

Paper for circulars and blanks to be of the following weights and quality:

For sizes numbers naught, one, two, three and four, paper number one, seventeen by twenty-two equal twenty-four-pound Clifton or its equivalent. Paper number two, seventeen by twenty-two equal twenty-four-pound Scotch ledger or twenty-eight-pound Clifton or their equivalents. Paper number three, seventeen by twenty-two equal twenty-eight-pound Scotch ledger, Weston's ledger or their equivalents. Paper number four, seventeen by twenty-two, thickness number twenty-five, Crane's bond or its equivalent.

For sizes numbers five, six and seven, paper number one, seventeen by twenty-eight equal thirty-two-pound Scotch ledger or its equivalent. Paper number two, seventeen by twenty-eight equal thirty-six-pound Weston's ledger or its equivalent. Paper number three, seventeen by twenty-eight equal forty-pound Weston's ledger or its equivalent. Paper number four, seventeen by twenty-eight equal thickness number twenty-five, Crane's bond or its equivalent.

For size number eight, paper number one, nineteen by twenty-

four equal thirty-two-pound Clifton or its equivalent. Paper number two, nineteen by twenty-four equal thirty-six-pound Scotch ledger or its equivalent. Paper number three, nineteen by twenty-four equal forty-four-pound Weston's ledger or its equivalent. Paper number four, nineteen by twenty-four equal thickness number thirty-six, Crane's bond or its equivalent.

For size number nine, paper number one, to equal in thickness and quality seventeen by twenty-eight equal thirty-six-pound Clifton. Paper number two, to equal in thickness and quality seventeen by twenty-eight equal forty-pound Weston's ledger. Paper number three, to equal in thickness and quality nineteen by twenty-four equal forty-four-pound Weston's ledger. Paper number four, to equal in thickness and quality nineteen by twenty-four Crane's bond number forty-three.

For books or pamphlets.

Composition for each one thousand ems plain matter, at.....

Paper, presswork, folding, gathering, collating, stitching and trimming, for each one hundred copies of eight pages, at

For each additional one hundred copies of eight pages, at

For composition and printing postal cards or stamped envelopes, each one hundred copies on one side at.....

For envelopes (per one thousand, plain or printed).

Fifty-pound or XX, number one rag. Number five, at.....; number six and one-quarter, at; number six and three-quarters, at; number nine, at; number ten, at; number eleven or twelve, at

Sixty-pound or XXX, number one rag. Number five, at.....; number six and one-quarter, at; number six and three-quarters, at; number nine, at; number ten, at; number eleven or twelve, at

Linen, number twenty-four, Japanese. Number five, at.....; number six and one-quarter, at.....; number six and three-quarters, at; number nine, at; number ten, at; number eleven or twelve, at

For envelopes (per one thousand, lithographed).

Fifty-pound or XX, number one rag. Number five, at.....; number six and one-quarter, at; number six and three-quarters, at; number nine, at; number ten, at; number eleven or twelve, at

Sixty-pound or XXX, number one rag. Number five, at; number six and one-quarter, at; number six and three-quarters, at; number nine, at; number ten, at; number eleven or twelve, at

Linen, number twenty-four Japanese linen. Number five, at; number six and one-quarter, at; number six and three-quarters, at; number nine, at; number ten, at; number eleven or twelve, at

For letter and note headings (printed from type).

For letter headings. On number twelve paper, first five hundred, at; each five hundred additional, at; on number fifteen paper, first five hundred, at; each five hundred additional, at

For note headings. On number twelve paper, first five hundred, at; each five hundred additional, at; on number fifteen paper, first five hundred, at; each five hundred additional, at

For letter and note headings (lithographed).

For letter headings. On number twelve paper, first five hundred, at; each five hundred additional, at; on number fifteen paper, first five hundred, at; each five hundred additional, at

For note headings. On number twelve paper, first five hundred, at; each five hundred additional, at; on number fifteen paper, first five hundred, at; each five hundred additional, at

Paper for letter and note headings to be of the following weights and quality: Number twelve paper, seventeen by twenty-two, number twenty Crane's Japanese, twenty-pound bankers' linen, twenty-four-pound United States linen; number twenty-five Agawam bond, twenty-four-pound Old Berkshire, or their equivalents. Number fifteen paper, seventeen by twenty-two, twenty-eight-pound Weston's ledger, twenty-eight-pound Crane's linen ledger, twenty-four-pound Japanese linen, or their equivalents. Circulars may be printed in one or more colors. Blanks may be ruled on a ruling machine, ruled and printed or printed only, and for circulars or blanks, one leaf, or two pages will count as a circular or blank, viz., two pages, one circular or blank; four pages, two circulars or blanks, et cetera. Where rule and figures are set in four or more columns to a page, the composition may be charged at double price. The term pamphlet under this contract

shall mean eight or more printed pages stitched and trimmed, when bound temporarily or permanently with or without paper covers, and shall be reckoned on a basis of sixteen pages to a sheet, standard size, either twenty-five by thirty-eight or twenty-seven by forty-one. When a pamphlet is twenty-four pages to a sheet, twelve pages shall be the equivalent of a signature of eight pages; and when thirty-two pages to a sheet, sixteen pages shall be the equivalent of a signature of eight pages, (or in other words, one-quarter of a sheet printed both sides) in reckoning the basis of compensation. And we do further agree to do all work not specifically set forth in this contract at prices which shall not be above those current in New York or Albany.

Signed

(Doing business at)

Dated

I hereby guarantee that the above person will, if his bid be accepted, enter into a contract according to the terms thereof, and give the security required by law within ten days from the time he shall receive notice of the acceptance of his bid.

Dated

I hereby certify that the above guarantor is a freeholder, and able to make good his guaranty.

.....,

County judge.

§ 2. This act shall take effect immediately.

Chap. 360.

AN ACT to amend the Greater New York charter, so as to extend the powers of the board of estimate and apportionment to appropriate money for the proper observation of Memorial day in the City of New York.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and forty-five of the Greater New York charter, as enacted by chapter five hundred and fifty-

two of the laws of nineteen hundred and five, is hereby amended so as to read as follows:

§ 245. The board of estimate and apportionment shall have power in its discretion to annually include in its final estimate such sum as it may deem proper for the due observance of Memorial day to be expended by the memorial committee of the Grand Army of the Republic and by the United Spanish War Veterans and Army and Navy Union in the various boroughs of said city, or in such other manner as to the said board of estimate and apportionment shall seem proper. For the purpose of providing funds for such observance for the year nineteen hundred and six the board of estimate and apportionment in its discretion and without the concurrence of any other board is empowered to authorize the issue of special revenue bonds to an amount which said board of estimate and apportionment may deem necessary, to be redeemed out of the proceeds of the tax levy of the year following their issue.

§ 2. This act shall take effect immediately.

Chap. 361.

AN ACT to legalize and confirm the official acts of notaries public and commissioners of deeds.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The official acts of every person as notary public or commissioner of deeds within the state of New York, heretofore commissioned as such, which acts have been performed since the twenty-fifth day of March, nineteen hundred and four, so far as such acts might be affected, impaired or questioned by reason of change of residence made after appointment, or by reason of misnomer or misspelling of name or other errors made in the appointment or commission of said notary public or commissioner of deeds, or by reason of omission or failure to take the prescribed oath of office within the time required by law, or by reason of such persons being under the age of twenty-one years, or by reason of the expiration of the term of office of such notaries public or

commissioners of deeds where such notary public or commissioner of deeds has acted in good faith, are hereby legalized and confirmed and made as effectual and valid as if the term of office of said notary public or commissioner of deeds had not expired, or if no misnomer or misspelling of name or other errors had not occurred or been made in the appointment and commission of said notary public or commissioner of deeds or as if the oath of office had been taken within the time prescribed by law.

§ 2. Nothing in this act contained shall affect any legal action or proceeding pending at the time this act takes effect.

§ 3. This act shall take effect immediately.

Chap. 362.

AN ACT to amend the county law, in relation to cemetery trusts.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article seven of chapter six hundred and eighty-six of the laws of eighteen hundred and ninety-two, entitled "An act in relation to counties, constituting chapter eighteen of the general laws," is hereby amended by adding thereto a new section to be section one hundred and fifty, and to read as follows:

§ 150. Cemetery trusts.—A person residing in this state may create a trust in perpetuity for the maintenance of a cemetery lot, the preservation of a building, structure, fence or walk therein, the renewal or preservation of a tomb, monument, stone, fence, railing or other erection or structure on or around such lot, or the planting or cultivation of trees, shrubs, flowers or plants in or about such lot, or for any of such purposes, by transferring, conveying, devising or bequeathing to the county treasurer of the county in which such person resides or in which such cemetery is located, or if such person resides or such cemetery is located in a county wholly within a city, to the chamberlain of such city, real or personal property, and designating such county treasurer or chamberlain as trustee in the instrument creating such trust. Such instrument may direct that the income derived from such

property shall be applied to one or more of the purposes specified in this section. A county treasurer or city chamberlain designated as trustee in pursuance of this section, may, in his discretion accept the property so transferred, and if he accepts the same, he shall cause the same to be invested in accordance with the terms of the trust, if any are prescribed, and otherwise shall invest and re-invest such property in securities in which savings banks are authorized to invest. The income derived from such property shall be collected by the county treasurer or chamberlain who shall be entitled to receive five per centum of such income for administering the trust. The balance of such income shall be paid by the county treasurer or chamberlain to the person or corporation owning or conducting such cemetery, provided such person or corporation is willing to accept the same and apply the money so received, so far as the same may be applicable, in furtherance of the purposes for which such trust was created. Such money shall not be paid to an individual unless he shall give to the county treasurer or chamberlain a bond in an amount to be approved by him conditioned for the faithful application of such money, in accordance with the terms of the trust. If at any time after the creation of such trust there is no person or corporation willing to receive and apply the income thereof in accordance with the terms of the trust, the county treasurer or chamberlain shall present a petition to the county judge of the county, or a justice of the supreme court of the district wherein such cemetery is located, praying for directions as to the manner in which such trust shall be administered by him. Such county judge or justice of the supreme court may, by order, direct that the trust shall be directly administered by the county treasurer or city chamberlain or may otherwise provide for the administration thereof in such manner as shall, so far as practicable, carry out the intent of the creator of the trust.

§ 2. This act shall take effect immediately.

Chap. 363.

AN ACT to amend the highway law, in relation to highway accounts and reports of highway receipts and expenditures to the state engineer.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article one of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," is hereby amended by adding thereto two new sections to be sections twenty-seven and twenty-eight thereof, and to read as follows:

§ 27. **Reports to state engineer.**—The supervisor and the highway commissioner or commissioners of every town receiving state aid pursuant to section fifty-three of the highway law, shall annually in the month of November make a verified report to the state engineer, in form to be prescribed by him, showing the total amount of money received during the preceding year for the construction or maintenance of highways or bridges or for other highway purposes, indicating the source thereof, together with all expenditures for the improvement, repair and maintenance of highways, for the repair and maintenance of bridges, for the construction of new bridges, for damages and charges in laying out or altering highways, for the removal of obstructions caused by snow, for the purchase of machinery, tools and implements, for highway commissioner's salary or per diem allowance, or for any other highway purpose, and also showing the machinery, tools and implements owned by the town and the districts thereof and the value of the same. The state engineer may also require additional information from any other town officer in such form as he may deem necessary to carry into effect the purposes of this section. A certified copy of such report shall also be filed by the supervisor with the clerk of the board of supervisors who shall cause the same to be printed in the annual proceedings of the board of supervisors. The town board shall cause a certified copy of the report to be published in a newspaper published in the town, or if no newspaper is published in the town, then it may cause such publi-

cation in a newspaper published within the county and having the greatest circulation within the town. The expense of such publication, which shall not exceed ten dollars, shall be a town charge. The clerk of the board of supervisors shall transmit three printed copies of the journal of proceedings of the board containing such report to each, the comptroller and state engineer and surveyor.

§ 28. **Highway accounts.**—The state engineer shall prescribe the form of blank to be used by the highway commissioner and supervisor in keeping account of money received and paid out for highway or bridge purposes or other purposes in connection with the highways. The state engineer shall also prescribe the form of order to be used by the highway commissioner in giving an order upon the supervisor. The supervisor and highway commissioner shall use such blanks and forms as the state engineer may prescribe, and all such orders and records of accounts shall be filed in the town clerk's office and preserved as a part of the town records.

§ 2. This act shall take effect immediately.

Chap. 364.

AN ACT to incorporate trustees of the Rose N. Yager loan fund, by that name.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees hereinafter created, and their successors, are hereby constituted a body politic and corporate, by and under the name of trustees of the Rose N. Yager loan fund, possessing the powers and duties hereinafter stated.

§ 2. Myron T. Scudder, principal of the New Paltz state normal and training school at New Paltz, New York; J. J. Hasbrouck, treasurer of the local board of said school, and their successors in said offices respectively, together with such other one member of the faculty of said school, or graduate of said school, or both, as the said principal and treasurer, and their successors in office, shall from time to time appoint, are hereby created trustees of said corporation, by whom the powers thereof shall be exercised.

In making the appointment or appointments above provided for, preference shall be given to such members of the faculty or graduate, or to both, in case one of each is selected, as may have been recommended therefor by the alumni association of said school; and the member of faculty or graduate so appointed, or both, shall hold office for two years and until the appointment of his or their successors.

§ 3. For accomplishing the purposes expressed in the next section, said corporation shall have full power to purchase, hold and take by gift, devise and bequest, real and personal property, within the following limitation, to wit: Such property holdings acquired otherwise than by income from its investments shall not exceed twenty thousand dollars in value in addition to whatever property may be received from Rose N. Yager by gift, bequest or devise; also to sell, convey, transfer, lease, let and mortgage real estate; to lend and borrow money and invest the same in first mortgages on real estate or in securities permitted by law for savings bank investments; to have a corporate seal; to sue and be sued; and to make by-laws, not inconsistent with law, for the government of said corporation and management of its corporate interests.

§ 4. It shall be the object of the corporation hereby constituted to handle any moneys and property that may be received by it from Rose N. Yager, by gift, devise or bequest, and from any other source within the limits of value hereinbefore stated, and apply the same toward aiding worthy students, (preferably those attending the said New Paltz state training school) to obtain an education, by lending the said funds and any additions thereto and the income and increase thereof to worthy students of its selection at not to exceed the legal rate of interest. Such loans shall be made under regulations to be adopted by said trustees; and such security shall be required as the trustees shall, in any case, deem best.

§ 5. This act shall take effect immediately.

Chap. 365.

AN ACT to amend chapter one hundred and forty-seven of the laws of nineteen hundred and three, entitled "An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three," and the acts supplementary thereto and amendatory thereof, in relation to cost of searches and interest on the compensation and damages allowed to land owners.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections four and thirteen of chapter one hundred and forty-seven of the laws of nineteen hundred and three, entitled "An act making provision for issuing bonds to the amount of not to exceed one hundred and one million dollars for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and three," are hereby amended to read, respectively, as follows:

§ 4. The state engineer may enter upon, take possession of and use lands, structures and waters, the appropriation of which for the use of the improved canals and for the purposes of the work and improvement authorized by this act, shall in his judgment be necessary. An accurate survey and map of all such lands shall be made by the state engineer who shall annex thereto his certificate that the lands therein described have been appropriated for the use of the canals of the state. Such map, survey and certificate shall be filed in the office of the state engineer, and a duplicate copy thereof, duly certified by the state engineer to be such duplicate copy shall also be filed in the office of the superintendent of public works. The superintendent of public works shall thereupon serve upon the owner of any real property so appropriated a notice of the filing and of the date of filing of such map, survey and certificate in his office, which notice shall also specifically describe that portion of such real property belonging to such owner

which has been so appropriated. If the superintendent of public works shall not be able to serve said notice upon the owner personally within this state after making efforts so to do, which in his judgment are under the circumstances reasonable and proper, he may serve the same by filing it with the clerk of the county wherein the property so appropriated is situate. From the time of the service of such notice, the entry upon and the appropriation by the state of the real property therein described for the purposes of the work and improvement provided for by this act, shall be deemed complete, and such notice so served shall be conclusive evidence of such entry, and appropriation and of the quantity and boundaries of the lands appropriated. The superintendent of public works may cause a duplicate copy of such notice, with an affidavit of due service thereof on such owner, to be recorded in the books used for recording deeds in the office of the county clerk of any county in the state where any of the property described in such notice is situated, and the record of such notice and such proof of service shall be prima facie evidence of the due service thereof. The court of claims shall have jurisdiction to determine the amount of compensation for lands, structures and waters so appropriated. If the settlement for the lands taken is made by the appraisers appointed to represent the state in and by chapter three hundred and thirty-five of the laws of nineteen hundred and four, the persons whose property has been taken and who have agreed upon the compensation to be paid therefor, shall be entitled to interest from the time of the actual occupancy thereof by the state, to the date of the payment of the amount agreed upon, or the service by the comptroller of the notice as hereinafter provided, and the comptroller shall certify to the state treasurer the amount agreed upon, date of occupancy, and the amount of interest due thereon upon the application of any person, their heirs or assigns, whose lands have been taken for the improvement of the canals. Interest as authorized by this section, shall cease upon the service by the comptroller upon the person entitled thereto as hereinbefore provided of a notice that the state is ready and willing to pay the amount agreed upon, upon the presentation of proper proof and vouchers. And the attorney-general shall furnish to the comptroller and state treasurer all searches necessary to prove the title to the lands taken. The state treasurer shall pay to the persons with whom an agreement has been made all moneys expended by them in procuring searches against the property taken for canal purposes which moneys will be paid by the treasurer on the warrant of the

comptroller after certification to said comptroller by the county clerk or county treasurer that the bills presented by said person have been incurred in their respective offices, and paid by the person whose lands have been taken.

§ 13. The sum of ten million dollars is hereby appropriated, payable out of the moneys realized from the sale of bonds as provided by section two of this act, and from the proceeds of the sale of abandoned lands as provided in section five of this act, to be expended to carry out the purposes of this act; said sum of ten million dollars to be paid by the treasurer on the warrant of the comptroller, after due audit by him, upon the presentation of the draft of the superintendent of public works to the order of the contractor if for construction work, or to his own order if for the completion by him of any unfinished contract or for advertising for miscellaneous expenses connected with the said work, or upon the presentation of the drafts of the state engineer for supervising or engineering expenses in connection with said work, or upon the presentation by the comptroller of accounts for miscellaneous expenses, or on the presentation of awards by the court of claims, or an agreement described in section four hereof certified as hereinbefore provided for compensation for lands appropriated as provided in section four of this act or damages caused by the work of improvement hereby authorized.

§ 2. This act shall take effect immediately.

Chap. 366.

AN ACT to amend the labor law, relative to the use of exhaust fans in factories.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-one of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor constituting chapter thirty-two of the general laws," as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and ninety-nine and chapter two hundred and ninety-one of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 81. **Protection of employees operating machinery.**—The owner or person in charge of a factory where machinery is used, shall provide, in the discretion of the commissioner of labor, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws and machinery, of every description, shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans, while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. Exhaust fans of sufficient power shall be provided for the purpose of carrying off dust from emery wheels, grindstones and other machinery creating dust; except where in case of woodworking machinery, the commissioner of labor after first making and filing in the public records of his office a written statement of the reasons therefor shall decide that it is unnecessary for the health and welfare of the operatives. If a machine or any part thereof is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner of labor and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used. When in the opinion of the commissioner of labor it is necessary, the workrooms, halls and stairs leading to the workrooms shall be properly lighted, and in cities of the first class, if deemed necessary by the commissioner of labor, a proper light shall be kept burning by the owner or lessee in the public hallways near the stairs upon the entrance floor and upon the other floors on every work day in the year, from the time when the building is opened for use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary. Such lights to be independent of the motive power of such factory. No male person under eighteen years or woman under twenty-one years of age shall be permitted or directed to clean machinery while in motion. Children under sixteen years of age shall not be permitted to operate or assist in operating dangerous machines of any kind.

§ 2. This act shall take effect immediately.

Chap. 367.

AN ACT to amend the forest, fish and game law, in relation to lake trout in Dutchess county.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty-four of chapter twenty of the laws of nineteen hundred, entitled "An act for the protection of the forests, fish and game of the state, constituting chapter thirty-one of the general laws," as amended by chapter three hundred and eleven of the laws of nineteen hundred and four and chapter four hundred and twenty-nine of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 44. Lake trout; close season.— The close season for lake trout shall be from October first to April fifteenth, both inclusive, except in lakes Erie and Ontario, where there shall be no close season; and except in the counties of Ulster, Sullivan, Orange, Rockland, Westchester and Richmond, where the close season shall be from July first to March thirty-first, both inclusive, and except in the county of Dutchess, where the close season shall be from October first to March thirty-first, both inclusive. Lake trout less than fifteen inches in length shall not be intentionally taken or possessed, and if taken, shall without avoidable injury be returned to the waters where taken.

§ 2. This act shall take effect immediately.

Chap. 368.

AN ACT to make an appropriation for the payment of the judgments of the court of claims, in claims arising on account of the canals of this state.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The sum of eighty-eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated from

the canal fund for the payment of judgments made by the court of claims in claims before said court, on account of the canals of this state, with interest on each judgment from the date thereof until the twentieth day after the comptroller is authorized to issue his warrant for the payment thereof, under the provisions of this act, or until payment, if payment be made sooner, but no such judgment shall be paid until there shall be filed with the comptroller a copy of such judgment duly certified by the clerk of said court, and a certificate of the attorney-general that no appeal from such judgment has been or will be taken by the state.

§ 2. This act shall take effect immediately.

Chap. 369.

AN ACT to authorize Saint John's Church, Mount Morris, New York, to set apart certain funds as a permanent endowment fund and to restrict the use and investment thereof.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The corporation known as Saint John's Church, Mount Morris, New York, is hereby empowered to take and hold real and personal property given, devised or bequeathed to it absolutely or in trust, thereby establishing and maintaining an endowment fund and all property so given, devised or bequeathed to it, unless otherwise specified in such gift, devise or bequest, together with the trust fund now held by it, shall constitute a fund to be known as the permanent endowment fund, the income of which only shall be subject to expenditure for parish and church uses and purposes. No part of said fund, either principal or income, shall be liable either at law or in equity to the claims of the future creditors of said corporation, or subject to any mortgage or lien hereafter executed or created by it.

§ 2. The control of said permanent endowment fund shall be vested in the vestry of said Saint John's Church, Mount Morris, New York, and the laws of this state as the same now exist or shall hereafter be enacted relating to securities in which the deposits in savings banks may be invested shall apply to and govern the said vestry in the investment of said fund.

§ 3. This act shall take effect immediately.

Chap. 370.

AN ACT to amend chapter one hundred and twenty-nine of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Williamsville," in relation to eligibility of officers and the collection of taxes.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections five and thirty-two of chapter one hundred and twenty-nine of the laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Williamsville," are hereby amended to read as follows:

§ 5. No person shall be eligible to the office of president or trustee, or fire, water, light, sewer or cemetery commissioner in said village unless he shall at the time be a resident and elector of said village, and the owner of property assessed upon the last preceding assessment-roll of the village, and whenever any officer of said village shall cease to be a resident thereof, his office shall thereby become vacant.

§ 32. It shall be the duty of the collector of said village to receive any warrant for the collection of taxes and moneys when properly directed and subscribed by the trustees, and to return the same within the time prescribed in such warrant for the return thereof, and to collect all such moneys, as shall be thereby required to be collected which can be collected by him; to pay over all such sums collected by him to the treasurer of said village, taking his receipt for the same, and to return such warrant to the trustees with his return thereon written or subscribed by him, and specifying all such sum or sums of money not collected by him by reason of his being unable to find property in such village out of which he could collect the same, and if any sum be returned by him not collected, his return shall be accompanied by his affidavit that the facts therein stated are true; and it is hereby enacted that the provisions of article four of the village law in relation to the collection of taxes by the collector, the return thereof, the sale of real property for unpaid taxes, the redemption thereof and actions to recover unpaid taxes shall so far as consistent with this act apply to the collector of such village, and the assessment and collection of taxes therein.

§ 2. This act shall take effect immediately.

Chap. 371.

AN ACT to amend chapter forty-six of the laws of nineteen hundred and four, entitled "An act to authorize the several towns in the county of Suffolk in this state to establish street sprinkling districts outside the limits of any incorporated village or villages therein, and to provide for the sprinkling of the streets, avenues, highways and public places in said district, also relating to districts in more than one town," in relation to Westchester county.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter forty-six of the laws of nineteen hundred and four, entitled "An act to authorize the several towns in the county of Suffolk in this state to establish street sprinkling districts outside the limits of any incorporated village or villages therein, and to provide for the sprinkling of the streets, avenues, highways and public places in said district, also relating to districts in more than one town," is hereby amended to read as follows:

§ 1. It shall be lawful for the town board of any town in the counties of Suffolk and Westchester in this state to contract for the sprinkling of the streets, avenues, highways and public places therein outside of the corporate limits of any incorporated village in said town, upon such terms and for such time or period not exceeding ten years, as the town board may deem proper or expedient, and for the payment of the expenses thereof may establish one or more sprinkling districts therein. It shall be lawful for the town boards of two or more adjoining towns in said county whenever a petition for the establishment of a sprinkling district shall cover territory lying in two or more adjoining towns in said county, to contract for the sprinkling of the streets, avenues, highways and public places therein, outside of the corporate limits of any incorporated village in said town upon such terms and for such time, or period not exceeding ten years, as the town boards of two or more adjoining towns in joint session assembled may deem proper or expedient and for the payment of the expenses thereof.

§ 2. This act shall take effect immediately.

Chap. 372.

AN ACT to amend the agricultural law, relative to transportation of calves and carcasses of the same.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section seventy-e of chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three, entitled "An act in relation to agriculture, constituting articles one, two, three, four and five of chapter thirty-three of the general laws," as amended by chapter thirty of the laws of nineteen hundred and two, and as amended by chapter one hundred and seventy-one of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 70-e. No person shall slaughter or expose for sale, or sell any calf or carcass of the same or any part thereof, unless it is in good healthy condition. No person shall sell or expose for sale any such calf or carcass of the same or any part thereof, except the hide unless it was, if killed at least four weeks of age at the time of killing. No person or persons shall bring or cause to be brought into any city, town or village any calf or carcass of the same or any part thereof for the purposes of selling, offering or exposing the same for sale, unless it is in a good healthy condition and no person or persons shall bring any such calf or carcass of the same or any part thereof except the hide into any city, town or village for the purpose of selling, offering or exposing the same for sale, unless the calf is four weeks of age or, if killed, was four weeks of age at the time of killing, provided however that the provisions of this statute shall not apply to any calf or carcass of the same or any part thereof, which is slaughtered, sold, offered or exposed for sale, for any other purpose than for food. Any person or persons exposing for sale, selling or shipping any calf or carcass of the same will be presumed to be so exposing, selling or shipping the said calf or carcass of the same for food. Any person or persons shipping any calf for the purpose of being raised, if the said calf is under four weeks of age, shall ship it in a crate, unless said calf is accompanied by its dam. Any person shipping calves under four

weeks of age for fertilizer purposes must slaughter the said calves before so shipping. Any person or persons duly authorized by the commissioner of agriculture to examine any calf or veal offered or exposed for sale or kept with any stock of goods apparently exposed for sale and if such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when killed, he may seize the same and cause it to be destroyed and disposed of in such manner as to make it impossible to be thereafter used for food.

§ 2. This act shall take effect immediately.

Chap. 373.

AN ACT to amend the town law, in relation to town fire companies.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and seventy-one of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," as amended by chapter two hundred and fifty-four of the laws of eighteen hundred and ninety-one and chapter two hundred and one of the laws of eighteen hundred and ninety-four, is hereby amended to read as follows:

§ 171. **Town fire companies.**—The town board of any town may appoint in writing, any number of inhabitants of their town, which they may deem necessary, to be a fire company for the extinguishment of fires in their town; but no such company, as herein provided, shall be formed in any incorporated city or village. Each fire company, thus formed, shall choose a captain and clerk thereof, and may establish such by-laws and regulations as may be necessary to enforce the performance by such firemen, of their duty, and may impose such penalties, not exceeding five dollars for each offense, as may be necessary for that purpose. Such penalties may be collected by and in the name of the captains, in any court having cognizance thereof, and, when collected, shall be expended by the companies for the repair and preservation of their engines and apparatus for the extinguish-

ment of fires. All vacancies which may, at any time, happen in such companies by death, resignation or otherwise, shall, from time to time, be filled by the town board. The electors of any highway district, or water supply district, in which any town fire company shall have their headquarters, at a special meeting lawfully called by the town clerk, who is hereby authorized to call such special meeting may vote, by ballot, a sum of money, not exceeding four thousand dollars, for the purchase of a fire engine and apparatus for the extinguishment of fires, and for the purchase or lease of suitable buildings and grounds for keeping and storing such fire engine and apparatus for the extinguishment of fires, and other property of said highway district or water supply district. And whenever said electors shall so vote said money for the purchase of a fire engine and apparatus for the extinguishment of fires, and for the purchase or lease of suitable buildings and grounds for keeping and storing such fire engine and apparatus for the extinguishment of fires, and other property of said highway district or water supply district, the commissioners of highways may, with the written consent and approval of the town board, contract for and purchase for such district a good and sufficient fire engine and apparatus for the extinguishment of fires, and may contract for and purchase or lease for such district, suitable buildings and grounds for keeping and storing such fire engine and apparatus for the extinguishment of fires, and other property of said district at a price not to exceed the sum so voted, which engine and apparatus for the extinguishment of fires and buildings and grounds shall be the property of said highway district or water supply district, but may be used and cared for by such fire company. The purchase price of said fire engine and apparatus or other apparatus for the extinguishment of fires, and buildings and grounds shall be assessed and levied upon the property of said district and collected in the same manner as other town charges are assessed, levied and collected, except that the amount thereof shall be put in a separate column upon the tax roll, and the board of supervisors of the county shall cause the sum, as certified by the town board, to be levied upon the taxable property of such highway district or water supply district.

§ 2. This act shall take effect immediately.

Chap. 374.

AN ACT making appropriations for the state charitable institutions, the New York state school for the blind, and the Elmira reformatory.

Became a law, May 10, 1906, with the approval of the Governor. Passed by a two-thirds vote.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The several amounts named in this act are hereby appropriated and authorized to be paid for the several purposes hereinafter specified, namely:

WESTERN HOUSE OF REFUGE FOR WOMEN AT ALBION.

For addition to administration building, three thousand six hundred dollars; for completing cottages five and six and assembly hall, including outside steam, water, sewer and lighting connections, five thousand eight hundred dollars; for changing old assembly hall into schoolrooms, including equipment for same, one thousand dollars; for fuel-saving device for boilers, one thousand two hundred dollars.

NEW YORK STATE SCHOOL FOR THE BLIND AT BATAVIA.

For regrading steam mains and installing return mains, valves, and covering all steam and return pipes, two thousand eight hundred seventy-five dollars; for repairs and equipment, two thousand five hundred dollars.

NEW YORK STATE SOLDIERS' AND SAILORS' HOME AT BATH.

For bakery building and ovens, eight thousand four hundred dollars; for cement floor in dish washroom and main hall, three hundred dollars; for grading and laying out roads and setting trees in new cemetery, five hundred dollars; for repairs and equipment, eight thousand dollars.

NEW YORK STATE REFORMATORY FOR WOMEN AT BEDFORD.

For completing cottages five and six, and employees cottage including steam, water, sewer and lighting connections, eleven

thousand three hundred dollars; for barn and root cellar, two thousand six hundred seventy-five dollars; for new stack and repairing wall of boiler-house, four thousand dollars; for duplicate boiler feed pump and governor, two hundred dollars; for repairs and equipment, one thousand dollars.

NEW YORK STATE REFORMATORY AT ELMIRA.

For completing trade school building, seventeen thousand five hundred dollars; for installing new electric lighting circuit, three thousand dollars; for five risers to attic and equipping same, one thousand dollars; for equipping industrial departments, five thousand dollars.

NEW YORK STATE TRAINING SCHOOL FOR GIRLS AT HUDSON.

For two cottages, including steam, water, sewer and lighting connections, forty-five thousand dollars; for alterations in industrial building and fire escape, two thousand eight hundred fifty dollars; for repairs and equipment, one thousand five hundred dollars.

THOMAS INDIAN SCHOOL AT IROQUOIS.

For additional radiation, school building, assembly hall and girls' dormitories, five hundred dollars; for pipe covering, four thousand dollars; for feeder cables to dormitories, eight hundred dollars; for horses, wagons and harness for drawing coal, eight hundred dollars; for repairs and equipment, two thousand dollars.

NEW YORK STATE CUSTODIAL ASYLUM FOR FEEBLE-MINDED WOMEN AT NEWARK.

For additional boiler set complete, three thousand five hundred dollars; for fire escapes, cottages H and I, one thousand two hundred dollars; for completing and furnishing superintendent's house, one thousand five hundred dollars; for sidewalks and roads, one thousand dollars; for furnishings for cottages H and I, four thousand dollars; for repairs and equipment, one thousand five hundred dollars.

NEW YORK STATE WOMAN'S RELIEF CORPS HOME AT OXFORD.

For grading, shrub and tree planting, one thousand dollars; for repairs and equipment, one thousand eight hundred dollars.

NEW YORK HOUSE OF REFUGE AT RANDALL'S ISLAND.

For additional electric equipment, five thousand dollars; for repairs and equipment, seven thousand dollars.

**NEW YORK STATE HOSPITAL FOR THE TREATMENT OF INCIPIENT
PULMONARY TUBERCULOSIS AT RAY BROOK.**

For grading and fence line, three thousand dollars; for preparation of land for crops, one thousand dollars; for completing sewage disposal plant, one thousand five hundred dollars; for hog pen, six hundred and fifty dollars; for furniture and additional equipment of institution, three thousand dollars; for repairs and equipment, one thousand five hundred dollars.

STATE INDUSTRIAL SCHOOL AT RUSH.

For furnishings, ten thousand dollars; for telephone system to cottages and main line, five thousand dollars; for farm stock and equipment, five thousand dollars; for industrial building, fifteen thousand dollars; for superintendent's house, ten thousand dollars; for superintendent's barn, one thousand dollars; for administration building, twenty-five thousand dollars; for Catholic and Protestant chapels, twenty-five thousand dollars; for furnishing water supply, ten thousand dollars; for furnishing sewage disposal, twelve thousand dollars; for fencing, five thousand dollars; for material for sixteen henhouses and sixteen hog pens, four thousand eight hundred dollars; for moving greenhouse from city institution, one thousand dollars; for moving organ from city institution, one thousand dollars; for ovens and equipment for bakery building, three thousand dollars.

ROME STATE CUSTODIAL ASYLUM AT ROME.

For employees' building, fifty thousand dollars; for furnishing Brush farm, one thousand dollars; for sewage disposal plant, two thousand dollars; for high pressure main to ward building J, four thousand dollars; for employees' cottage, one thousand five hundred dollars; for repairs and equipment, three thousand five hundred dollars.

CRAIG COLONY FOR EPILEPTICS AT SONYEA.

For service building in women's group, to include sewing, school and industrial rooms and exercise rooms, twelve thousand dollars; for two-story and basement brick building for storage of fire apparatus supplies and for additional fire protective appliances, six thousand dollars; for furnishings for two hundred patients, eight thousand dollars; for increasing the spring water supply, motor and pumphouse, one thousand four hundred dollars;

for moving chestnut cottage and repairing same, one thousand eight hundred dollars; for verandas on four buildings in women's group, one thousand eight hundred dollars; for local and long distance telephone, seven hundred and fifty dollars; for installing electric lighting and telephone wires in conduit in women's group, one thousand four hundred and seventy-five dollars; for repairs and equipment, eight thousand dollars; for constructing steam conduit in village green, three thousand dollars; for outside heating in connection with five new dormitories, two thousand five hundred dollars; for outside plumbing in connection with five new dormitories, three thousand dollars; for outside lighting in connection with five new dormitories, one thousand dollars.

**SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN
AT SYRACUSE.**

For painting the exterior wood work of institution building, one thousand two hundred dollars; for root and vegetable cellar at Fairmount farm, nine hundred dollars; for completing the plumbing improvements, shower baths, including outside closets and sewage, two thousand eight hundred dollars; for repairs and equipment, one thousand dollars.

**NEW YORK STATE HOSPITAL FOR THE CARE OF CRIPPLED AND
DEFORMED CHILDREN AT WEST HAVERSTRAW.**

For site and equipment, one thousand dollars; for repairs and equipment, one thousand dollars.

§ 2. The work authorized by this act shall be done pursuant to section forty-nine of the state charities law, as amended by chapter four hundred and fifty-seven of the laws of nineteen hundred and five.

§ 3. This act shall take effect immediately.

Chap. 375.

AN ACT to amend the labor law relative to mines and quarries.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article nine of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act

in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended by adding at the end thereof four new sections to be sections one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two and one hundred and thirty-three, and to read as follows:

§ 130. **Traveling ways.**—In all mines there shall be cut out of or around the sides of every hoisting shaft or driven through the solid strata at the bottom thereof, a traveling way not less than five feet high and three feet wide to enable persons to pass the shaft in going from one side to the other without passing over or under or in the way of the cage or other hoisting apparatus.

§ 131. **Notice of opening new mine, shaft or quarry.**—Whenever a mine or quarry operator has engaged or is about to engage in the development of new industries by the sinking of new shafts, inclines, tunnels or quarries, he shall report to the commissioner of labor, giving the name of the owner or owners, and the location of the property before the work of excavation shall have reached the depth of twenty-five feet.

§ 132. **Notice of abandonment.**—It shall be the duty of every mine or quarry operator to notify the commissioner of labor of the discontinuance or abandonment of any mine or quarry, when and in the event that such mine or quarry shall be closed permanently or abandoned.

§ 133. **Employment of women and children.**—No child under sixteen years of age shall be employed, permitted or suffered to work in or in connection with any mine or quarry in this state. No female shall be employed, permitted or suffered to work in any mine or quarry in this state.

§ 2. This act shall take effect October first, nineteen hundred and six.

Chap. 376.

AN ACT to further amend chapter four hundred and sixteen of the laws of nineteen hundred, entitled "An act to establish a state hospital in some suitable location in the Adirondacks for the treatment of incipient pulmonary tuberculosis, and making an appropriation therefor," in relation to the reception and maintenance of free patients.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections thirteen and fifteen of chapter four hundred and sixteen of the laws of nineteen hundred, entitled "An act to establish a state hospital in some suitable location in the Adirondacks for the treatment of incipient pulmonary tuberculosis, and making an appropriation therefor," as amended by chapter one hundred and eight of the laws of nineteen hundred and two, are hereby amended to read as follows:

§ 13. **Free patients.**—The trustees of said hospital to be appointed under and pursuant to the provisions of this act, and their successors, are hereby given power and authority to receive therein patients who have no ability to pay, but no person shall be admitted to the hospital who has not been a citizen of this state for at least one year preceding the date of application. Every person desiring free treatment in said hospital shall apply to the local authorities of his or her town, city or county having charge of the relief of the poor, who shall thereupon issue a written request to the superintendent of said hospital for the admission and treatment of such person. Such request shall state in writing whether the person is able to pay for his or her care and treatment while at the hospital, which request and statement shall be kept on file by the superintendent of the hospital. Such requests shall be filed by the superintendent in a book kept for that purpose in the order of their receipt by him. When said hospital is completed and ready for the treatment of patients, or whenever thereafter there are vacancies caused by death or removal, the said superintendent shall thereupon issue a request to an examining physician, appointed as provided for in section twelve, in the same city or county, and if there be no such examining physician in

said city or county then to the nearest examining physician, for the examination by him of said patient. Upon the request of such superintendent said examining physician shall examine all persons applying for free admission and treatment in said institution, and determine whether such persons applying are suffering from incipient pulmonary tuberculosis. No person shall be admitted as a patient in said institution without the certificate of one of said examining physicians certifying that such applicant is suffering from incipient pulmonary tuberculosis, and if upon the reception of a person at such hospital, it is found by the authorities thereof that he is not suffering from incipient pulmonary tuberculosis, or is suffering from pulmonary tuberculosis in such an advanced stage as to prevent his deriving any benefit from care and treatment at such hospital, he shall be returned to the place of his residence, and the expense of transportation to and from the hospital shall be paid by said local authorities. Admissions to said hospital shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided by the superintendent of said hospital, in so far as such applicants are subsequently certified by the said examining physician to be suffering from incipient pulmonary tuberculosis. Every person who is declared as herein provided to be unable to pay for his or her care or treatment shall be transported to and from the hospital at the expense of said local authorities, and cared for, treated and maintained therein at the expense of the municipality which would otherwise be chargeable with the support of such poor or indigent person; and the expense of transportation, treatment, maintenance and the actual cost of articles of clothing furnished by the hospital to such poor or indigent person shall be a county, city or town charge, as the case may be.

§ 15. **Support of free patients.**—At least once in each month the superintendent of the hospital shall furnish to the comptroller and to the local authorities of each county, city or town, as the case may be, having charge of the relief of the poor, a list of all the free patients in the hospital that are accredited each respective county, city or town and who are shown by the statement of such local authorities to be unable to pay for their care, treatment and maintenance, under the provision of section thirteen of this chapter. And shall accompany each such list with a bill of charges for care, treatment and maintenance at a rate not exceeding five dollars per week for each such free patient, together with items of

expense of transportation, fee of the examining physician and the actual cost of articles of clothing furnished by the hospital to each such free patient. The superintendent of the hospital shall thereupon collect from the said local authorities of the counties, cities and town such sums as may be due therefrom, and pay the same over to the state treasurer.

§ 2. This act shall take effect immediately.

Chap. 377.

AN ACT to increase the salary of the surrogate of the county of Westchester.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The salary of the surrogate of the county of Westchester from and after the expiration of the term of the present incumbent, is hereby fixed and established at the sum of seven thousand five hundred dollars per annum.

§ 2. This act shall take effect immediately.

Chap. 378.

AN ACT to further amend chapter three hundred and thirty of the laws of eighteen hundred and sixty-seven, entitled "An act to amend the incorporation of the village of Fairport in the county of Monroe," relative to the powers of the trustees.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision twelve of section twenty-nine of chapter three hundred and thirty of the laws of eighteen hundred and sixty-seven as amended by chapter six hundred and thirty-eight of the laws of eighteen hundred and eighty-one is hereby amended so as to read as follows:

12. To exercise the powers and discharge the duties of commissioners of highways of towns within the bounds of the village, so far as the same are applicable and consistent with the provisions of this act; and no excavation shall be made in any street, avenue or public place for the purpose of laying down conduits, subways, pipes, mains or cables, or for the erection of any poles, wires or cables therein and no wires or cables shall be carried over, upon, along or across any such street, avenue or public place, until the consent in writing of at least a majority of said trustees shall have been first obtained. Said consent shall not be given except at a regular meeting of said trustees, or at a special meeting, called for that purpose, and no such consent shall be valid unless notice of the application therefor shall have been published for at least two weeks prior to such meeting, in each newspaper published in said village.

§ 2. This act shall take effect immediately.

Chap. 379.

AN ACT to amend chapter four hundred and eighty of the laws of eighteen hundred and ninety-four, entitled "An act in relation to the village of Fredonia," in relation to the portion of expense for paving or macadamizing to be borne by street railroads.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eleven of article four of chapter four hundred and eighty of the laws of eighteen hundred and ninety-four, entitled "An act in relation to the village of Fredonia," is hereby amended to read as follows:

§ 11. Portion of expense to be borne by street railroad.— Whenever a street railroad track runs upon or along any street to be paved or macadamized pursuant to this article, the railroad corporation owning such track shall relay its track in the center of the street so far as the same is to be paved or macadamized, and shall pay for the improvement of that part of such street which lies under and between said railroad tracks and two feet in width out-

side of its tracks; or such street railroad corporation shall under the supervision of the village engineer, construct such improvements in the same manner and of the same material as the remainder of the street is macadamized or paved; and the entire expense of improving such street to the width herein provided must be borne by the railroad corporation. That part of said street not encumbered by said railroad track shall be paved or macadamized when ordered by the board of trustees after taking the same preliminary steps herein provided for in other cases, and after the adjoining owners shall have had their opportunity to elect between paving and macadam in the form and manner aforesaid and all the rules prescribed for streets having no railroad thereon shall apply to such street, except that the adjoining owners shall not be charged with the cost and expense of that part of said street lying under and between said railroad tracks and two feet in width outside of its tracks. Said board of trustees shall ascertain and determine the cost and expense of the improvement of that part which lies upon the intersecting streets which cross such street or which abut thereon, exclusive of all the cost and expense of that part of such street upon which said railroad tracks lie and between such tracks and two feet in width outside of such tracks, and exclusive of the general expenses, and charge the same to the village; and shall also ascertain and determine the cost and expense of that part of the improvement in such street which is not covered by said intersecting and abutting street or streets, and is not covered by said railroad tracks, and between such tracks and two feet in width outside of such tracks, exclusive of such general expenses, and charge the same as follows: One-third to the village, and the remaining two-thirds to the abutters in proportion to their frontage. The said board of trustees shall then ascertain and determine the cost and expense of that part of the improvement of the street under and between said railroad tracks, and between such tracks and two feet in width outside of such tracks, exclusive of the general expenses, and if the improvement is made by the village, charge the same to said railroad company. Said general expenses shall be borne and paid by said village, said railroad company and said adjoining owners, in proportion to the cost of the village portion, the cost of the railroad's portion and the cost of the adjoining owner's portion, outside of said general expenses; and said board of trustees shall, when the work is completed ascertain and determine the share of general expenses which is to be paid by the

village and charge the same to the village. It shall also ascertain and determine the share of general expenses which shall be paid by said railroad company, and charge the same to said railroad company. It shall also ascertain and determine the share of the general expenses which is to be paid by the adjoining owners, and charge the same to said owners.

§ 2. This act shall take effect immediately.

Chap. 380.

AN ACT to amend section fifty-eight of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws" as amended by chapter five hundred and thirty-nine of the laws of eighteen hundred and ninety-nine.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifty-eight of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," as amended by chapter five hundred and thirty-nine of the laws of eighteen hundred and ninety-nine, is further amended so as to read as follows:

§ 58. The governor may appoint any conductor or brakeman on any train conveying passengers on any steam railroad in this state, a policeman, with all the powers of a policeman in cities and villages, for the preservation of order and of the public peace, and the arrest of all persons committing offenses upon the land or property of the corporation owning or operating such railroad; and he may also appoint, on the application of any such corporation, or of any steamboat company, such additional policemen, designated by it, as he may deem proper, who shall have the same powers. Every such policeman shall within fifteen days after receiving his commission, and before entering upon the duties of his office, take and subscribe the constitutional oath of office, and file it with his commission in the office of the secretary of state. Every such policeman shall when on duty wear a metallic shield, with the words "railroad police" or "steamboat police" as the case may

be, and the name of the corporation for which appointed inscribed thereon, which shall always be worn in plain view, except when employed as a detective. The compensation of every such policeman shall be such as may be agreed upon between him and the corporation for which he is appointed, and shall be paid by the corporation. When any corporation shall no longer require the services of any such policeman they may file notice to that effect in the office in which notice of his appointment was originally filed, and thereupon such appointment shall cease and be at an end.

§ 2. This act shall take effect immediately.

Chap. 381.

AN ACT to amend the lien law, relating to the filing of chattel mortgages.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section ninety-three of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to liens, constituting chapter forty-nine of the general laws," as amended by chapter two hundred and forty eight of the laws of nineteen hundred and by chapter sixty-four of the laws of nineteen hundred and two, is hereby amended to read as follows:

§ 93. **Filing and entry.**— Such officers shall file every such instrument presented to them for that purpose, and indorse thereon its number and time of its receipt. They shall enter in a book, provided for that purpose, in separate columns, the names of all the parties to each mortgage so filed, arranged in alphabetical order, under the head of "mortgagors" and "mortgages," the number of such mortgage or copy and the date of the filing thereof; and, if the mortgage be upon a craft navigating the canals, and filed in the office of the comptroller, the name of the craft shall also be inserted. In the city of New York such officers shall in addition to the entry aforesaid enter in another book provided for that purpose a statement of the premises in which the chattels mortgaged are contained, arranged in alphabetical order, under the

name of the street or avenue where the premises are situated and giving the number of such mortgage or copy and the date of the filing thereof. In case no street or avenue is mentioned in the description, in the mortgage or copy, of the premises in which the chattels are contained, then a statement of such premises shall be entered under the title "miscellaneous." Except in the city of New York such officers at the time of filing of such instrument shall upon request issue to the person filing the same a receipt in writing, which shall contain the names of the parties to the mortgage, its date, amount and the date and time of filing thereof.

§ 2. Section ninety-four of said chapter is hereby amended to read as follows:

§ 94. Fees.—The several clerks and registers are entitled to receive for services hereunder, the following fees: For filing each instrument, or copy, six cents; for issuing a receipt for the same, six cents; for entering the same as aforesaid, six cents; for searching for each paper, six cents; and the like fees for certified copies of such instruments or copies as are allowed by law to clerks of counties for copies and certificates of records kept by them. The comptroller is entitled to receive the following fees for services performed under this article, for the use of the state: For filing each instrument or copy and entering the same, twenty-five cents; for searching for each paper, twenty-five cents; and the like fees for certified copies of such instruments or copies, as are allowed by law to be charged by the comptroller for copies and certificates of records kept in his office. No officer is required to file or enter any such paper, or furnish a copy thereof, or issue a receipt therefor, until his lawful fees are paid.

§ 3. Section ninety-five of said chapter, as amended by chapter two hundred and forty-eight of the laws of nineteen hundred and chapter two hundred and nineteen of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 95. Mortgage invalid after one year, unless statement is filed.—A chattel mortgage, except as otherwise provided in this article, shall be invalid as against creditors of the mortgagor, and against subsequent purchasers or mortgagees in good faith, after the expiration of the first or any succeeding term of one year, reckoning from the time of the first filing, unless,

1. Within thirty days next preceding the expiration of each such term, a statement containing a description of such mortgage, the names of the parties, the time when and place where filed,

the interest of the mortgagee or any person who has succeeded to his interest in the property claimed by virtue thereof, or

2. A copy of such mortgage and its indorsements, together with a statement attached thereto or indorsed thereon, showing the interest of the mortgagee or of any person who has succeeded to his interest in the mortgage, is filed in the proper office in the city or town where the mortgagor then resided, if he is then a resident of the town or city where a mortgage or a copy thereof or such statement was last filed; if not such resident, but a resident of the state, a true copy of such mortgage, together with such statement, shall be filed in the proper office of the town or city where he then resides; and if not a resident of the state, then in the proper office of the city or town where the property so mortgaged was at the time of the execution of the mortgage. Where the chattels mortgaged were located in the city of New York at the time of the execution of the mortgage, a copy of such mortgage and its indorsements together with a statement attached thereto, or indorsed thereon, showing the interest of the mortgagee or of any person who has succeeded to his interest in the mortgage, must be filed in the same office where the original mortgage or a copy thereof was filed at the time of the execution of the same. Except in the city of New York the officer with whom such a renewal statement, or copy of a mortgage, is filed shall upon request issue to the person filing the same a receipt in writing, which shall contain the names of the parties to the instrument filed, its date, amount and the date and time of filing thereof.

§ 4. This act shall take effect immediately.

Chap. 382.

AN ACT to allow a vote to be taken by the qualified electors of the town of Bethany, in the county of Genesee, at the general election in the year nineteen hundred and six, authorizing an additional tax for highway purposes.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. If the commissioner of highways of the town of Bethany in the county of Genesee shall determine that the sum

of five hundred dollars will be insufficient to pay the expenses actually necessary for the improvement of highways and bridges, the removal of obstructions caused by snow and the prevention of such obstructions, subsequent to the first day of October, nineteen hundred and six, and during the year nineteen hundred and seven, he may cause a vote to be taken by ballot of the electors of said town entitled to vote by ballot upon any proposition for the raising or appropriation of money, or the incurring of any town liability, at the general election to be held in said town in the month of November, nineteen hundred and six, authorizing such additional sum to be raised as he may deem necessary for such purpose, not exceeding one-third of one per centum upon the taxable property of the town as shown by the last assessment-roll thereof. Such vote shall have the same effect as if taken pursuant to the provisions of section nine of the highway law at the annual town meeting of said town held in the month of November, nineteen hundred and five.

§ 2. This act shall take effect immediately.

Chap. 383.

AN ACT to amend the town law, in relation to the recording of deeds in the town of Niagara, Niagara county, and the duties of town and county clerks in respect thereto.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," is hereby amended by inserting therein a new section to be section eighty-three-a thereof, and to read as follows:

§ 83-a. Duties of town clerk of town of Niagara, Niagara County. —The town clerk of the town of Niagara in the county of Niagara shall provide a book in which shall be kept an abstract of every deed of conveyance of lands situated in said town of Niagara for the use of the assessors of said town, and every deed of conveyance of lands situated within the said town of Niagara shall be presented to the town clerk of said town who shall im-

mediately enter in said book the names of the grantors and grantees the date thereof and a brief description by lot, number or otherwise, sufficient to identify the same and shall also mark upon such deed of conveyance the act of such presentation to and record by him before the same shall be entitled to be recorded in the office of the county clerk of Niagara county, and if the said county clerk shall record any deed of conveyance of lands situated in said town of Niagara which has not been so stamped by the town clerk of said town he shall forfeit to said town the sum of ten dollars. Nothing herein contained shall affect the record of an unstamped deed.

§ 2. This act shall take effect immediately.

Chap. 384.

AN ACT to amend the town law, relating to highway commissioners.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section fifteen of chapter five hundred and sixty-nine of the laws of eighteen hundred and ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," as amended by chapter three hundred and forty-four of the laws of eighteen hundred and ninety-three, chapter two hundred and thirty-nine of the laws of eighteen hundred and ninety-five, chapter four hundred and eighty-one of the laws of eighteen hundred and ninety-seven, chapter five hundred and eighty-three of the laws of nineteen hundred and one, chapter fifty-seven of the laws of nineteen hundred and three, and chapter two hundred and nine of the laws of nineteen hundred and five, is hereby amended to read as follows:

§ 15. Commissioners of highways.—The electors of such town may, at their biennial town meeting, determine by ballot whether there shall be elected in their town one, two or three commissioners of highways. Whenever any town shall have determined upon having two or three commissioners of highways and shall desire to have but one, the electors thereof may do so by a vote

by ballot taken at a biennial town meeting, and when such proposition shall have been adopted no other commissioner shall be elected or appointed until the term or terms of those in office, at the time of adopting the proposition shall expire or become vacant and they may act until their terms shall severally expire or become vacant as fully as if two or three continued in office. Whenever any town that has adopted the money system of taxation for working its highways shall have more than one commissioner of highways and shall desire to have but one, the electors of such town may so determine by vote by ballot at a special town meeting called for that purpose which special town meeting shall be called upon the written petition of twenty-five electors of such town. When there shall be but one commissioner of highways in any town, he shall possess all the powers and discharge all the duties of commissioners of highways as prescribed by law. In towns of less than two square miles in area, where five-sixths of the territory shall consist of an incorporated village or villages, the office of highway commissioner is hereby abolished, and in towns of more than two square miles in area and less than fourteen square miles in area, where two-thirds of the territory shall consist of an incorporated village or villages, the town boards shall have the power and authority, by a majority vote, at any regular meeting of such town boards, to abolish the office of highway commissioner or commissioners, and when so abolished shall file a certificate of such abolition signed by the supervisor and town clerk of such towns in the offices of the town clerk and the clerk of the county in which such town is located, and the powers and duties heretofore performed by him or them, shall devolve upon the town board of such town together with such further power and authority over highways, streets and bridges, as are now possessed by or that may be hereafter granted to boards of trustees of villages of the third class. The provisions of this act shall not affect or abridge the term of office of any highway commissioners elected prior to the passage of this act. No town working the highways under the money system of taxation and where the office of highway commissioner is abolished by virtue of this section shall be excluded from the benefits of section fifty-three of the general highway law.

§ 2. This act shall take effect immediately.

Chap. 385.

AN ACT to amend chapter one hundred and forty-four of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate Albion lodge number two hundred and twelve of the Independent Order of Odd Fellows of Northern New York, in the village of Albion, in the county of Orleans, to hold real and personal estate and to convey the same."

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter one hundred and forty-four of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate Albion lodge number two hundred and twelve of the Independent Order of Odd Fellows of Northern New York, in the village of Albion, in the county of Orleans, to hold real and personal estate and to convey the same," as amended by chapter five hundred and thirty-one of the laws of eighteen hundred and sixty-six, and by chapter three hundred and eighty-two of the laws of eighteen hundred and sixty-nine, is hereby amended to read as follows:

§ 1. The voluntary association heretofore existing and known as Albion lodge number fifty-eight, of the Independent Order of Odd Fellows, and heretofore created a body politic and corporate by chapter one hundred and forty-four of the laws of eighteen hundred and sixty-five, as amended by chapter five hundred and thirty-one of the laws of eighteen hundred and sixty-six, as amended by chapter three hundred and eighty-two of the laws of eighteen hundred and sixty-nine, is hereby created and continued a body politic and corporate by and under the name of "Albion lodge number fifty-eight, of the Independent Order of Odd Fellows" of the state of New York, and is hereby authorized and empowered to take, hold, sell, transfer and convey real and personal estate for the use and benefit of said lodge for the charitable objects for which it was created, but such real and personal estate shall not at any one time exceed in value the sum of thirty-five thousand dollars.

§ 2. The title to any real or personal estate now held by or in trust for said lodge, not exceeding in value the sum aforesaid, is hereby declared to be vested in the corporation hereby created and continued as fully and completely as if the said lodge

had possessed the legal power to take and hold the same as a body corporate at the time the same was acquired by it.

§ 3. The affairs of the said corporation shall and continue to be managed by three trustees, to be chosen from the members of said lodge in accordance with the by-laws thereof, who shall hold office for three years and until their successors are elected, except the trustees hereinafter named, to wit: Berton B. Reed, William J. Harrington and Ward S. Buell shall continue to be the trustees of said lodge, to hold office as follows: The first for one year, the second for two years and the third for three years from the first day of January, nineteen hundred and six. One trustee shall be elected annually on the last regular meeting in December in each year, in place of the one whose term will expire on the thirty-first day of December thereafter. In case of vacancy in the office of trustee the same may be filled at any regular meeting of said lodge, and the person so elected shall hold office till the expiration of the term for which his predecessor was elected.

§ 4. The corporation hereby created and continued is empowered to adopt regulations and by-laws and appoint officers for the better accomplishment of its charitable objects and may by by-law provide when the office of trustee shall be deemed vacant.

§ 5. This act shall take effect immediately.

Chap. 386.

AN ACT to amend chapter thirty-six of the laws of eighteen hundred and ninety-four, entitled "An act supplementary to and amendatory of chapter four hundred and seventy-nine of the laws of eighteen hundred and ninety-two, entitled 'An act to supply the city of Auburn with water,'" in relation to rents, rates and penalties and duties of the water commissioners.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section twenty-one of chapter thirty-six of the laws of eighteen hundred and ninety-four, entitled "An act supple-

mentary to and amendatory of chapter four hundred and seventy-nine of the laws of eighteen hundred and ninety-two, entitled 'An act to supply the city of Auburn with water,' is hereby amended to read as follows:

§ 21. It shall be the duty of the said water commissioners to keep a record of all of their proceedings in suitable books, and keep a register of the names of all persons and all property furnished with water, together with the rates charged therefor, and they shall have and exercise a general and controlling power and direction in all matters relating to the preservation and continuance of the work authorized by this act and of all lands, property and rights acquired thereunder. On the first day of May, nineteen hundred and seven, and on the first day of May in each year thereafter, the said water commissioners shall have prepared and filed in their office, a schedule containing the names of all persons, whether owners of property or occupants thereof, in arrears to said water board for water rates, rents or services for water furnished or supplied to or upon said property, and also, arranged in alphabetical order with the proper street and number of such property so furnished or supplied with water, opposite each name, the names of the owners of the property for, upon or to which any water was furnished by the said water board, the rates or rents for which water remain unpaid, together with the amounts due and unpaid for such water rents, rates or services, and the penalties thereon unpaid, and thereupon said water commissioners shall cause a notice to be served by mail upon each of said persons whether owners or occupants of said property, containing a statement of the amount of such arrearages, the street number of the property, and specifying the time at which said commissioners will hear all complaints that may be made in reference to the justice of said charges, which time shall be not less than five days from the date of mailing said notice. The said water commissioners shall after such hearing correct said list and make such alterations and amendments thereof as they shall deem just, and also, thereafter, and before the first day of June next following, file with the city treasurer of the city of Auburn the schedule, so corrected, showing the names of the owners of such property, the description of the property by street number, and the amount of such water rates, rents and penalties due. And the said rents and penalties shall from the time said schedule is filed with the city treasurer be and become respectively liens and charges upon

the several parcels of real property against which each charge is made, respectively, and shall thereupon be by the said city treasurer added to the July instalment of the annual city taxes against the real property for, to or upon which said water was furnished and against which said rates, rents and penalties are chargeable, and after the filing of said schedule the aggregate amount in each case shall be recorded and described in all proceedings as tax and shall be collected in the same manner with like percentage, power and effect as the July instalment of the annual city taxes. The several amounts so due and unpaid as aforesaid, when collected by the city treasurer, shall, on the first day of the month next after the receipt thereof by him of each, respectively, pay the same to the water board with a description of the lot, building or real estate upon or against which it was chargeable. No error or mistake in the name of any owner or occupant of real property chargeable with water rents or penalties, nor the fact that the name appearing upon said schedule so filed as aforesaid by the said water commissioners with the city treasurer is not the owner of such real property, shall invalidate said taxes for water rates, rents and penalties against the property described.

§ 2. This act shall take effect July first, nineteen hundred and six.

Chap. 387.

AN ACT to legalize the proceedings of a meeting of the voters of union free school district number six, town of Cortlandt, county of Westchester, and to authorize the board of education of said district to issue bonds to the amount of eighteen thousand dollars.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. All action, proceedings or resolutions taken or adopted by the legal voters of union free school district number six, town of Cortlandt, county of Westchester, at a special meeting of said district, held on the twenty-second day of November, nineteen hundred and four, in voting to erect a new schoolhouse and

to appropriate eighteen thousand dollars therefor to be paid in twenty years are hereby legalized in all respects, and the board of education of said district is hereby authorized and empowered to raise the said eighteen thousand dollars by tax upon the taxable property of said district in instalments and in accordance with the provisions of the consolidated school law. The board of education of said district number six, town of Cortlandt, is hereby further authorized and empowered, pursuant to said proceedings and to the provisions of this act, to issue and sell bonds to the amount of eighteen thousand dollars in accordance with the provisions of section ten title eight of the consolidated school law. One of said bonds shall be made payable on the first day of November in each and every year from nineteen hundred and fourteen to nineteen hundred and twenty-three, both inclusive, and shall be of the denomination of eighteen hundred dollars with interest at four per centum payable semi-annually on the first day of May and November of each year.

§ 2. Said bonds, when executed and delivered as aforesaid, shall be and become a valid and binding obligation of said union free school district number six, town of Cortlandt, county of Westchester.

§ 3. This act shall take effect immediately, but shall not affect any action or proceeding now pending.

Chap. 388.

AN ACT to amend section eighty-six of the code of civil procedure relative to the fees of stenographers.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-six of the code of civil procedure is hereby amended so as to read as follows:

§ 86. Each stenographer, specified in this act, must likewise, upon request, furnish, with all reasonable diligence, to the defendant in a criminal cause, or a party, or his attorney in a civil cause, in which he has attended the trial or hearing, a copy, written out at length from his stenographic notes, of the testimony

and proceedings, or a part thereof, upon the trial or hearing, upon payment, by the person requiring the same, of the fees allowed by law. If the district attorney, the attorney-general or the judge presiding at the trial in a criminal cause, requires such a copy, the stenographer is entitled to his fees therefor, but he must furnish it upon receiving a certificate of the sum to which he is so entitled, which shall be a county charge and must be paid by the county treasurer upon the certificate like other county charges.

§ 2. This act shall take effect immediately.

Chap. 389.

AN ACT to incorporate the commandery of the state of New York, military order of the loyal legion of the United States.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Thomas H. Hubbard, Joseph B. Coghlan, William H. Boyle, A. Noel Blakeman, Rastus S. Ransom, John Furey, James B. Horner, William S. Hubbell, J. Fred. Pierson, Anson G. McCook, James Entwistle, Frederick H. E. Ebstein, Edgar Holden, and their associates, members of the commandery of the state of New York, military order of the loyal legion of the United States, and those who may be hereafter duly admitted to membership therein, are hereby constituted a body politic and corporate by the name of commandery of the state of New York, military order of the loyal legion of the United States subject to the provisions of the constitution and by-laws of the military order of the loyal legion of the United States, with all the powers and privileges and subject to the restrictions and liabilities prescribed by chapter six hundred and eighty-seven of the laws of eighteen hundred and ninety-two, known as the general corporation law, and the several acts amendatory thereof and supplemental thereto, excepting sections twenty and twenty-one thereof, upon filing in the office of the secretary of state a duly attested copy of a resolution by said commandery that the said commandery has accepted the provisions of the act.

§ 2. This act shall take effect immediately.

Chap. 390.

AN ACT to amend section one of chapter seven hundred and thirty-three of the laws of nineteen hundred and five, entitled "An act in relation to the price of electric current furnished or sold to the city of New York and providing a penalty for violation."

Became a law, May 10, 1906, with the approval of the Governor. Passed by a two-thirds vote.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter seven hundred and thirty-three of the laws of nineteen hundred and five, entitled "An act in relation to the price of electric current furnished or sold to the city of New York and providing a penalty for violation," is hereby amended so as to read as follows:

§ 1. A corporation, association, copartnership or person engaged in the business of furnishing or selling electric current in the city of New York for any purpose, shall not charge said city or receive therefrom for such electric current, a sum in excess of the following rates: For electric current, other than for street lighting, ten cents per kilowatt hour, except in the county of Kings where there may be charged twelve cents per kilowatt hour, of current actually consumed; for electric street lamps, burning every night from fifteen minutes after sunset to forty-five minutes before sunrise, together with proper inspection and necessary service for care and maintenance, as follows, for such electric street lamps consuming four hundred and fifty watts of electric current at the arc, one hundred dollars per lamp per year; and for other electric street lamps at rates proportioned as follows to the rate for street lamps hereinbefore provided for according to the consumption of current, to wit, a difference of two dollars per lamp per year from said rate of one hundred dollars, for each increase or decrease as the case may be, of twenty-five watts of electric current consumed at the arc above or below four hundred and fifty watts; for two such electric street lamps attached to a single pole, each consuming approximately two hundred and fifty watts of electric current at the arc, sixty-five dollars per lamp per year. But the prices fixed by this act shall not apply to electric current furnished or sold to

the city of New York for electric street lamps in that portion of the borough of the Bronx lying east of the Bronx river, formerly the old town of Westchester.

§ 2. This act shall take effect immediately.

Chap. 391.

AN ACT to amend sections two, three and four of chapter two hundred and sixty-seven of the laws of eighteen hundred and thirty, as amended by chapter fifty-five of the laws of eighteen hundred and fifty-six, chapter two hundred and eighty-six of the laws of eighteen hundred and seventy-one and chapter six hundred and sixty-five of the laws of eighteen hundred and ninety-eight, constituting the charter of the Utica orphan asylum.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections two, three and four of chapter two hundred and sixty-seven of the laws of eighteen hundred and thirty as amended by chapter fifty-five of the laws of eighteen hundred and fifty-six, chapter two hundred and eighty-six of the laws of eighteen hundred and seventy-one and chapter six hundred and sixty-five of the laws of eighteen hundred and ninety-eight, constituting the charter of the Utica orphan asylum, are hereby amended so as to read as follows:

§ 2. The sole object of said society shall be the support and education of orphan children; but the trustees of said society may, under such regulations as they shall from time to time adopt, admit children who have one parent or both parents living, to a participation in the benefits of said society. The said corporation may, for the purposes of the society, take by gift, grant, devise, bequest or purchase, (subject to all provisions of law relative to devises and bequests,) and hold real and personal estate to an amount not exceeding five hundred thousand dollars.

§ 3. The said society shall be under the direction of twenty-four trustees, all of whom must be residents of the county of

Oneida. They and their successors shall constitute the board of trustees. Any nine of said trustees shall constitute a quorum for the transaction of business. The trustees shall appoint from their number a president, a first vice-president, a second vice-president, a secretary and a treasurer, who shall be the officers of the corporation and of said board and shall serve during the pleasure of the board, or during a fixed period provided by the by-laws of said corporation and until their successors are elected. When a vacancy shall occur in any of said offices, it shall be filled by the board.

§ 4. Sophia Bagg, Wilhelmina C. Brinckerhoff, Elizabeth Calder, Annie B. Churchill, Emma D. Churchill, Sarah E. Clarke, Cornelia D. Curran, Charlotte Coventry, May C. Crouse, Sophia M. Doolittle, Helen F. Head, S. Elizabeth Head, Cornelia F. Jackson, Elizabeth Kellogg, Emma Kellogg, Julia Mann, Cornelia Meeker, Elizabeth S. Pixley, Elizabeth Potter, Ella Rockwell, Anna Sayre, Louise G. Schantz, Emma M. Swan and Mary Wynkoop, shall be such trustees and shall constitute such board of trustees. Whenever a vacancy shall occur in said board, by death, removal, resignation or otherwise, the vacancy shall be filled by the remaining trustees.

§ 2. This act shall take effect immediately.

Chap. 392.

AN ACT to amend subdivisions two and three of section fifteen of article two and section one hundred and twenty-one of article four of chapter three hundred of the laws of nineteen hundred and four, entitled "An act to revise and consolidate the several acts relative to the city of Niagara Falls" in relation to aldermen.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

*Not accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions two and three of section fifteen of article two of chapter three hundred of the laws of nineteen hundred and four, entitled "An act to revise and consolidate the several

* So in the original.

acts relative to the city of Niagara Falls" is hereby amended to read as follows:

2. A president of the common council for a term of two years at the city election in November nineteen hundred and seven, and every second year thereafter. The president shall receive a salary of three hundred dollars per year.

3. Ten aldermen at large for a term of two years each; five of whom shall be elected at the city election in nineteen hundred and six for a term of two years each and one of whom shall be elected at said election for a term of one year, and annually thereafter five aldermen at large shall be elected for the term of two years. They shall serve without compensation. The president of the common council, aldermen at large and ward aldermen in office when this act takes effect shall continue to hold office until the end of the respective terms for which they were elected and during all that time shall have all the powers and duties heretofore possessed by them.

§ 2. Section one hundred and twenty-one of article four of said chapter is hereby amended to read as follows:

§ 121. The aldermen of the several wards of the city and the aldermen at large, with the president of the common council shall constitute the common council thereof, except that after the first day of January nineteen hundred and seven the aldermen at large with the president of the common council shall constitute the common council. At all meetings of the common council each alderman present shall have one vote, and the president of the common council shall have a vote in case of a tie vote in the common council. No alderman shall be excused from voting on any question except by a concurring vote of two-thirds of all members present. No person whose election as alderman shall be contested shall be entitled to vote on any question connected with such contest.

§ 3. All acts and parts of acts inconsistent with or repugnant to the provisions of this act are to that extent hereby repealed.

§ 4. This act shall take effect immediately.

Chap. 393.

AN ACT to create and establish a policemen's relief and pension fund for the police department of the city of Utica and authorizing the granting and payment of relief and pensions to the officers and members of said department entitled thereto.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. **Definition, et cetera.**— Unless otherwise specified in this act, the words and terms in this section mentioned shall be construed and defined as follows:

1. The term "police commissioners" shall include the board of police and fire commissioners of the city of Utica, the police and fire commissioners of the city of Utica, their and each of their successors in office and the person, persons, or officers hereafter designated by any statute to have charge and control of the police department of said city;

2. The term "fund" shall mean and include the policemen's relief and pension fund hereby established;

3. The term "board of trustees" shall mean and include the board of trustees of the policemen's relief and pension fund hereby established;

4. The term "police department" shall mean and include the chief of police, the deputy chiefs of police, the captains, sergeants, detectives, patrolmen and policemen of the police force of said city now in office or hereafter appointed to office by said police commissioners.

§ 2. **Policemen's relief and pension fund.**— There shall be and hereby is established in the city of Utica a policemen's relief and pension fund for the police department of said city which fund shall consist of

1. All fines, penalties, and forfeitures that from time to time may be collected from any officer or member of the police department of said city by way of discipline, collectible from pay or salary and all compensation or salary that may be deducted

or withheld from any such officer or member, for or on account of absence from duty;

2. All compensation, rewards, fees or emoluments, other than salary, that may be paid or given to any officer or member of the police department for police services, except such as shall be allowed to be retained by such officer or member by permission of the police commissioners;

3. All moneys realized, derived or received from the sale of unclaimed, abandoned, waste, lost or stolen property coming into the possession of said department or any of its officers or members; also all lost, abandoned, unclaimed or stolen moneys remaining in the possession of said department for the space of one year and for which no claim shall have been presented by any person legally entitled to the same;

4. All moneys received or derived from the granting or issuing of permits to carry firearms in said city;

5. All fees received by any officer or member of said police department or the city judge, special city judge, police justice, city court of Utica or its clerk for perfecting and accepting bail bonds or undertakings;

6. An assessment of one dollar per month on the salaries of all officers and members of said department which said sum of one dollar shall be deducted monthly by the treasurer of the city from the salary of each and every officer and member of said department and held by such treasurer for the benefit of said fund;

7. All taxes upon dogs or bitches levied and collected in said city;

8. All fees paid for licenses or permits issued to dealers in junk and hucksters in said city;

9. The common council may by ordinance authorize and direct the payment into said fund of any penalties recovered for violation of any ordinance of the city and the moneys so paid shall be used for the purposes for which said fund is hereby created;

10. Any and all other sums provided by law.

§ 3. Board of trustees, et cetera.—The mayor, the treasurer of the city, the chairman of the police commissioners and three members or officers of the police department (to be elected annually in the month of December, by such department) and their successors in office shall constitute the board of trustees of said fund. The mayor shall be chairman, the treasurer of the city

shall be treasurer, and one of the trustees elected by the police department shall be selected by said board as secretary, thereof, and each of such officers of the board of trustees shall serve without compensation. Said board of trustees shall have the exclusive control, management and distribution of said fund and the treasurer of the city shall be custodian thereof. Said fund shall be kept by the treasurer of the city, separate and apart from any other funds under his custody and the sureties on the official bond of said treasurer shall be liable for the safe keeping and due accounting by such treasurer of the moneys and securities belonging to said fund. The board of trustees may make rules and regulations for its government and shall hear and determine all applications for relief or pension under this act. It shall cause to be kept a record of all its proceedings and meetings. Said board of trustees may take by gift, grant, bequest or devise and hold free from taxation, any real or personal property, the annual income of which shall not exceed in the aggregate the sum of thirty thousand dollars. No payments, whatever, shall be made or allowed by said board of trustees as rewards, gratuities or compensation to any person for salary or services, rendered to or for such board of trustees. Said board of trustees shall have charge of and administer said fund and invest the same or any part thereof, as hereinafter prescribed. Said board of trustees is empowered to make all necessary contracts, institute all necessary and proper actions or proceedings and make payments from said fund of relief or pensions as provided by this act and not otherwise. The corporation counsel of the city shall be the legal advisor* of such board of trustees and shall have charge of all actions or proceedings brought by or against such board or the members thereof, and shall serve without additional compensation therefor. When this act takes effect the mayor shall call a meeting of said board of trustees for the purpose of carrying the provisions of this act into effect; and the police department shall elect three of its members or officers as such trustees who shall hold office until the first Tuesday of January, nineteen hundred and seven, and until their successors are elected and qualified. In the month of December, nineteen hundred and six and in the month of December of each year thereafter, the police department shall elect three of its members or officers as such trustees, who shall enter upon the discharge of their duties on the first Tuesday of January succeeding their election and hold office for one year and

* So in original.

until their successors are elected and qualified. A majority of such board of trustees shall constitute a quorum.

§ 4. **Relief of first grade men on retirement from service, et cetera.**—Every officer or member of the police department who has attained the rank of first grade, or who has served in said department for three years or more, shall be paid from said fund on his retiring from service in said department by reason of resignation, death, or any other cause, the sum of three hundred dollars provided, however, that no such payment or any part thereof, shall be made to any such officer or member who at the time of such retirement, is receiving or entitled to receive a pension under the provisions of section five of this act.

§ 5. **Pension when payable, et cetera.**—Any officer or member of the police department, who may be found on examination by the surgeon of the department duly certified under oath, disqualified physically or mentally for the performance of his duties in the department by reason of long service or disease or disability caused or induced by the active performance of the duties of his position, without fault or misconduct on his part, may during the continuance of such disability, be retired by the police commissioners; provided that if such officer or member object to being so retired, he may demand an examination as to such disability by three competent physicians or surgeons of good repute and standing, one to be selected by the police commissioners, one by such officer or member, and the third by the two physicians or surgeons selected by the police commissioners, officer or member as aforesaid, and the three so selected shall examine such officer or member and the finding of a majority of such examiners shall be final as to the ability or disability at that time of such officer or member to perform his full duty and if found able he shall be returned to duty at the same salary and rank then paid and held by him. Any officer or member retired under the preceding provisions of this section unless he has served at least twenty years in said department, shall, however, remain under the orders of the police commissioners who may order him at any time to do such duty of which he is capable as may be decided to be for the best interests of said department and while so serving, he shall be paid the same salary as that received by the other members of the department of the same rank. Every officer or member of said department who may have become permanently incapacitated from performing full duty as such officer or member by reason of age or of disease or disability caused or induced by injury or by long service and exposure while

in the line of his duty, without fault or misconduct on his part, may, on his own application, be retired from service by a majority vote of such police commissioners, provided the applicant has been examined by three physicians or surgeons selected as aforesaid and their sworn certificate signed by a majority of such examiners filed with the police commissioners, showing that the applicant is permanently disqualified from performing his duties in said department. Every officer or member of said department who shall have served therein, for twenty years or more since June first, eighteen hundred and seventy-four shall, upon his own application without examination or certification, be retired from membership therein. A pension shall be granted and paid to each person retired under the provisions of this section to the amount of four hundred and eighty dollars per year payable monthly. No officer or member of said department shall be entitled to any allowance as pension during the time he shall be receiving full salary from said police department. In case said fund shall not be sufficient to pay the full amount of pensions in this section mentioned, such pensions shall be diminished pro rata as the condition of said fund shall require and shall be paid in proportion to the amounts payable therefrom to the persons entitled thereto.

§ 6. Pension to widow and children, et cetera.—Said board of trustees may also in its discretion grant, authorize and direct the payment of pensions, payable out of said fund, as follows:

1. To the widow of any officer or member of said department who shall have been killed while in the actual performance of duty or shall have died from the effects of injury received while in the discharge of duty or who shall hereafter die after having served at least ten years continuously in said department, a sum not exceeding three hundred dollars per annum, if there be no child or children under eighteen years of age of said officer or member living and if there be any such child or children under the age aforesaid, then said sum may be divided between said widow and child or children in such proportion and in such manner as said board of trustees may direct;

2. To any child or children under eighteen years of age, of any deceased officer or member mentioned in the preceding subdivision, who died leaving no widow or if a widow then after her death, to such child or children under eighteen years of age, a sum not exceeding three hundred dollars per annum to be apportioned in such manner as said board of trustees may direct;

3. To any dependent parent or parents of any deceased officer or member mentioned in subdivision one of this section who died leaving no widow or child under eighteen years of age, a sum not exceeding three hundred dollars per annum to be apportioned in such manner as said board of trustees may direct.

§ 7. **Termination of pensions of widow, children, et cetera.**—Pensions granted to a widow shall terminate when the widow shall remarry and pensions granted to children shall terminate whenever they shall respectively marry or arrive at the age of eighteen years. Said board of trustees may in its discretion terminate or diminish any pension or any part thereof, granted to any widow, child or parent whenever in their judgment the condition of said fund will not warrant its continuance and payment or whenever they deem that the necessities of such widow, child or parent do not require its continuance. Nothing in this act contained shall render the granting of any pension obligatory upon said board of trustees or chargeable as a matter of right upon said fund except as in this act provided, and no pension mentioned in sections five or six of this act shall be paid or payable until said fund has reached the sum of twenty thousand dollars.

§ 8. **Payments and investments, how made, et cetera.**—All payments from said funds shall be made by the city treasurer only upon warrants signed by the chairman of the board of trustees and countersigned by its secretary and no warrant shall be drawn except by order of the board of trustees duly entered in the record of its proceedings. Said board of trustees is hereby authorized to deposit said fund or any part thereof, in any of the banks of the city of Utica upon receiving adequate security therefor or to invest the same in the bonds or other obligations of the city or in the bonds of the United States or of this state issued pursuant to law, or to invest the same in such securities as savings banks of this state are authorized by law to invest in. All income, interest or dividends derived from said investments of said fund shall constitute a part thereof. The city treasurer shall deposit the moneys belonging to said fund in the bank or banks designated by the board of trustees.

§ 9. **Annual reports, et cetera.**—In the month of January of each and every year, the board of trustees shall make a report in writing to the common council of the condition of said fund, in which report there shall be clearly set forth a complete itemized statement of all receipts and disbursements during such year, giv-

ing the name of each and every person, corporation or association from whom any money or property has been received or to whom any money or property has been delivered or paid on account of said fund together with the total amounts thereof.

§ 10. **Officers receiving money to pay same to treasurer.**—Any officer or board of officers of the city who shall realize, receive or derive any money, which under the provisions of law, constitute a part of said fund is hereby directed to pay over the same on the first day of the month succeeding the receipt and collection thereof, to the treasurer of the city to be used and applied as a part of said fund.

§ 11. **Exemption of relief and pensions from execution.**—All relief or pensions granted under the provisions of this act and property purchased from the proceeds thereof, shall be exempt from attachment, execution or any process whatever.

§ 12. **Swearing falsely, et cetera.**—Any person who shall willfully or knowingly swear falsely in any oath of affirmation in obtaining or procuring any relief or pension or the payment thereof, under the provisions of this act shall be guilty of perjury.

§ 13. **Board of trustees to serve without additional compensation, et cetera.**—No member of such board of trustees shall be paid or receive any additional compensation for his services as a member of such board. No officer or member of said police department shall be entitled to any allowance as pension or relief during the time he shall be receiving full salary from said department.

§ 14. **Who eligible to benefits of fund.**—All who now are or shall hereafter become officers or members of the said police department shall be eligible to the benefits secured by the creation of said fund except as otherwise specified in this act.

§ 15. All acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

§ 16. This act shall take effect immediately.

Chap. 394.

AN ACT to amend chapter three hundred and fifty-seven of the laws of nineteen hundred and five, entitled "An act to revise the several acts relative to the city of Tonawanda."

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

Accepted by the city.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section nine of title eleven of chapter three hundred and fifty seven of the laws of nineteen hundred and five, entitled "An act to revise the several acts relative to the city of Tonawanda," is hereby amended to read as follows:

§ 9. **Jurisdiction in criminal cases.**—The city judge in all criminal actions and proceedings and special proceedings of a criminal nature, for or on account of offenses committed or charged to have been committed within the city, shall have all the jurisdiction and authority which a justice of the peace of a town would have if such offense were committed or charged to have been committed in the town, including bastardy proceedings. And the city court shall possess and exercise all the powers conferred upon courts of special sessions, and shall be subject, in the exercise of such powers, to all provisions of law relating to courts of special sessions, except as herein otherwise provided, and upon a conviction in said court for any misdemeanor of which the court has jurisdiction, the same sentence may be imposed as might be imposed were such conviction had in a county court. The city judge of the city court shall also have jurisdiction to try and determine all questions of violations of any and all city ordinances, rules and regulations and upon conviction to impose the punishment provided by law. In addition to the persons described in section eight hundred and ninety-nine of the code of criminal procedure, the following persons within the city of Tonawanda shall be deemed disorderly persons, and may be proceeded against as such and punished according to the provisions of this act; all persons who shall be intoxicated in any street, park, alley, or public place in said city; all females of, or over the age of eighteen year, who frequent a house of ill-fame or assignation or a disorderly-house of any description, or a house or place for

persons to visit for sexual intercourse, or for any lewd, obscene or incestuous purpose; all persons who shall wilfully, and for the purpose of disturbance or mischief, give or create any false alarm of fire, or remove from or pile up before any door, boxes, casks or other thing for the purpose of annoyance and mischief; and all persons who shall wilfully throw ink, or other liquid, or any missile in upon or against any building of the city, or through any window thereof; and any person who shall wilfully break, injure or deface any fence, tree, shrubbery or other property of the city; all idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering about and begging, or who go about from door to door, or place themselves in the streets, highway, passages or public place, without written permission of the mayor of the city to beg and receive alms; all persons who have no visible occupation, profession or business to maintain themselves by, but who do in part support themselves by gaming or crime, or by the avails of prostitution; all common prostitutes; all persons found quarreling within said city in any public park, street, lane or alley, or in any public places; any person who shall within said city make indecent gestures or exhibitions of himself in public view, or shall in any public place aforesaid publicly use indecent, foul or profane words, or opprobrious, insulting or provoking language or outcries, tending to breaches of the peace, or utter threats of unlawful violence, or shall make an unusual noise or disturbance of the public peace and quiet, or shall recklessly and without necessity discharge and fire off firearms in the day or night time, or knowingly give a false alarm of fire; or shall, alone or with others, not using the public ways of said city to pass and repass, lounge and loiter about, standing on or occupying the sidewalks or any public place in front of or along any premises or buildings, public or private, not owned or occupied by such persons; or without any right in or about the approaches, passage, entrance, hall or stairway of any building used for public assemblages or public resort, to the annoyance or impediment of persons lawfully passing and repassing, or of property owners, and shall refuse, after direction of any officer or citizen, to pass along or disperse from said place or places; or shall disturb or interrupt any public meeting, school, concert, theater or exhibition, or any assemblage, without lawful authority; or shall be found in the night time lurking suspiciously around any place in said city, and shall refuse on

demand of any policeman or watchman to give an account of himself or herself; or shall, being a minor under the age of twenty-one years, be found carrying in any public place any loaded pistol, revolver, or other firearm concealed; or shall be a truant child under the age of fourteen years, and be found wandering about late at night, alone or in company with like persons; or shall maliciously and unlawfully open or enter any barn, stable or inclosure and take away therefrom, or from any other place in said city, any horse, team, harness, carriage or other vehicle of another, under circumstances not making said offense larceny or felony; or shall, being a licensed hackman, cartman, owner or driver of any omnibus, or porter within said city, knowingly violate any lawful regulation of the common council relating to such persons or vehicles; or shall be found engaged in any public place aforesaid, throwing stones or other missiles and endangering persons or property; or shall wantonly and maliciously injure any street or public gas or electric lamp, lamppost, wire, gaspipe or main, or any city waterpipe, main, hydrant, hose or other works or apparatus for the extinguishment of fires, including the electric fire-alarm apparatus, boxes, wires, posts, and appurtenances thereto, or any street-corner signs put by authority of the common council; or shall be found naked or with person improperly exposed, bathing in any of the canals, basins, streams, races, ponds or waters in said city, in any public place, or within sight of any public place, between the hours of four in the morning and nine o'clock in the evening. Every person found guilty of being a disorderly person as aforesaid, and every person guilty of any act or acts making such a person a disorderly person as aforesaid as herein declared, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding fifty dollars or by imprisonment in the Erie county penitentiary for a term not exceeding six months or both. The city judge and the city court shall have the power in cases of persons brought before him charged with intoxication in any street or public place in said city, to proceed summarily and without a jury, to try said persons, and if found guilty, to punish them as provided by law.

§ 2. This act shall take effect immediately.

Chap. 395.

AN ACT to legalize, ratify and confirm an issue of bonds of the village of Fishkill Landing, in the county of Dutchess, to the amount of four thousand dollars, to be issued for the purpose of providing for the expense of building an additional story to and making other alterations in one of the firehouses of the said village of Fishkill Landing, the property of said village, known as the Lewis Tompkins hose company's house; and to legalize the special election held in the said village on the nineteenth day of December, nineteen hundred and five, and all the proceedings of the board of trustees of the said village authorizing and directing the issue of said bonds.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The special election held in the village of Fishkill Landing, in the county of Dutchess, on the nineteenth day of December, nineteen hundred and five, to vote upon and to determine the question of the adoption of a proposition for the building of an additional story to and making other alterations in one of the firehouses of the said village of Fishkill Landing, the property of said village, known as the Lewis Tompkins hose company's house, at the expense of the village, at a cost of not to exceed four thousand dollars, at which election the said proposition received the affirmative votes of a majority of the qualified electors of said village voting by ballot thereon, and all the proceedings of the board of trustees of the said village, precedent or subsequent to the said election, authorizing and directing the issue and sale of bonds of the said village of Fishkill Landing, to an amount not exceeding four thousand dollars, for the purpose of providing for the expense of the building of an additional story to and making other alterations in one of the firehouses of the said village of Fishkill Landing, the property of said village, known as the Lewis Tompkins hose company's house, and relating to the same and the sale thereof, shall be deemed to have been held upon proper and sufficient notice, and the said election and the proceedings of the board of trustees of the said village, precedent and subsequent to said election, in the matter of the

adoption of the said proposition for building an additional story to and making other alterations in one of the firehouses of the said village of Fishkill Landing, the property of said village, known as the Lewis Tompkins hose company's house and for the issue and sale of bonds of the said village to an amount not to exceed four thousand dollars, are hereby legalized, ratified and confirmed, and the said bonds are hereby made and declared to be valid and legally binding obligations of the said village of Fishkill Landing from and after the payment to the said village of the proceeds of the sale thereof, provided that they shall be issued so as to provide that they shall become due within thirty years from the date of issue, shall provide for the payment of the indebtedness in equal annual instalments, the first of which shall be payable not more than five years from their date, shall bear interest at a rate not exceeding five per centum per annum, shall be negotiated for not less than their par value, and shall otherwise conform to the requirements of section one hundred and twenty-nine of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, known as the village law, and shall be sold in conformity thereto.

§ 2. This act shall take effect immediately, but shall not affect any action or proceeding now pending.

Chap. 396.

AN ACT to amend chapter four hundred and thirty-one of the laws of eighteen hundred and eighty-four, entitled "An act to amend the charter of 'The Saint Vincent's retreat for the insane,'" in relation to the commitment and care of inebriates.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter four hundred and thirty-one of the laws of eighteen hundred and eighty-four, entitled "An act to amend the charter of 'The Saint Vincent's retreat for the insane,'" is hereby amended by adding at the end thereof new sections to read as follows:

§ 2. The judge of a court of record in the county or district

where an alleged inebriate resides, or a city magistrate in the city of New York, may commit such person to The Saint Vincent's retreat for the insane, in the manner hereinafter provided, upon a proper application and upon the consent in writing of the trustees thereof, signed by their superintendent or executive officer, upon the certificates in writing made, executed and verified by at least two physicians, qualified to act as medical examiners in lunacy, showing that such person is over the age of eighteen years, and is incapable or unfit to properly conduct himself or herself or his or her affairs, or is dangerous to himself or herself or others by reason of habits of periodical, frequent or constant drunkenness, induced either by the use of alcoholic or other liquors, or of opium, morphine, or other narcotic or intoxicating or stupefying substance. Such certificate must further show that such person is in actual need of special care and treatment, and that his condition is such that his detention, care and treatment in such institution would be likely to effect a cure. Such certificate shall also specifically state the facts and circumstances upon which the judgment of each physician is based and shall show the result of such examination. It must appear upon the face of such certificate that each physician executing the same has made a personal examination of the person alleged to be an inebriate, and that such examination has been made within ten days prior to the application for the commitment.

§ 3. The husband or wife, father or mother, brother or sister or the child or committee of an alleged inebriate may apply for an order committing such person to the said retreat, by presenting a brief petition containing a statement of the facts because of which the application for the order is made. Such petition shall be accompanied by the certificate of the physicians and the consent of the trustees as prescribed in the preceding section. Notice of the time and place of making such application shall be served personally upon the alleged inebriate at least three days before the date therein specified upon which the application will be made. A copy of the petition shall be served with such notice. The judge or justice before whom such application is made, shall, in his discretion, direct the service personally or by mail of a like notice upon the husband or wife, father or mother, or next of kin, of such alleged inebriate. At the time and place mentioned in such notice or at such other time or place as the judge or justice may designate, such judge

or justice shall proceed to hear the testimony introduced for and against such application, and may examine the alleged inebriate if deemed advisable. Such judge or justice may, in his discretion, require other proofs in addition to the petition and certificates of the physicians. If, from the facts ascertained upon such hearing, the proofs produced, and the petition and certificates presented, the judge or justice shall determine that such person is an inebriate, or that he is so addicted to the use of opium, morphine or other narcotic or intoxicating or stupefying substance, and his condition is such that his detention in such institution would promote his interests and improve his health, he shall grant an order committing such person to such institution, to be detained therein for a period not exceeding six months, or for such period, less than six months, as may be necessary in the judgment of the trustees of such institution for the proper treatment and cure of such person, or until discharged therefrom prior to the expiration of such period, as hereinafter provided.

§ 4. A person committed pursuant to this act or any relative or friend in his or her behalf may, within thirty days after any order of commitment is granted as provided in the preceding section, apply to a justice of the supreme court other than the justice making the commitment for a review of such order. Such justice shall thereupon cause a jury to be summoned as in the case of proceedings for the appointment of the committee for an insane person, and shall try the question of the inebriety of such person in the manner provided by law for proceedings for the appointment of such committee. If the verdict of the jury be that such person is an inebriate, such justice of the supreme court to whom such application was made shall certify that fact and commit such person to the care and custody of the said institution. Proceedings under the commitment shall not be stayed pending an appeal therefrom, except upon an order of a justice of the supreme court made upon notice and after a hearing, containing a provision for such temporary care or confinement of the alleged inebriate as may be deemed necessary. Upon the refusal of a judge to grant an application for the commitment of an alleged inebriate he shall state his reasons for such refusal in writing, and the person making the application may apply to a justice of the supreme court in the manner specified in this section where an application is made in

behalf of the alleged inebriate, and a commitment may be had after an appeal by a jury as provided herein.

§ 5. A person who has been committed to such institution is entitled to a writ of habeas corpus upon a proper application made by him or her or by any relative or friend in his or her behalf upon the return of such writ, the fact of the inebriety of such person and the reasons for his or her further detention in such institution shall be inquired into. The superintendent or executive, or the medical officer in charge of such institution, or any proper person, may be sworn and examined, as to the medical and physical condition of such person. If it appears upon such hearing that such person may properly be discharged, the judge or justice before whom the hearing is had shall so direct; but if it shall appear that the condition of such person is such as to render further treatment desirable, such person shall be remanded to the care and custody of such institution.

§ 2. This act shall take effect immediately.

Chap. 397.

AN ACT to amend the village law, in relation to franchises and the filing thereof.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article three of chapter four hundred and fourteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to villages, constituting chapter twenty-one of the general laws," is hereby amended by inserting therein, after section eighty-two, a new section to be section eighty-two-a and to read as follows:

§ 82-a. **Franchises; filing; duty of clerk.**—Duplicate originals of every resolution, certificate or other instrument whereby a village, or any board or officer thereof, grants a franchise, including a privilege or consent of any kind, to a public service corporation shall be executed and deposited with the village clerk; and such franchise shall not be operative for any purpose until so executed

and deposited. The village clerk, upon receiving the same, shall file one such duplicate in his office with the records and papers of the village and shall immediately cause the other to be filed in the office of the clerk of the county in which the village is situated.

§ 2. This act shall take effect immediately.

Chap. 398

AN ACT to amend the real property law, in relation to acknowledgments in certain places not within the United States.

Became a law, May 10, 1906, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two hundred and forty-nine-a of chapter five hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act in relation to real property, constituting chapter forty-six of the general laws," as added by chapter eighty-four of the laws of nineteen hundred and one, is hereby amended to read as follows:

§ 249-a. **Acknowledgements in Porto Rico, the Philippines, Cuba, et cetera.**—If the party or parties executing such conveyance shall be or reside in Porto Rico, the Philippine islands, Cuba, or in any other place over which the United States of America at the time has or exercises sovereignty, control, or a protectorate, the same may be acknowledged or proved before:

1. A judge or clerk of a court of record thereof, acting within his jurisdiction;
2. A mayor or other chief officer of a city, acting in such city;
3. A commissioner appointed for the purpose by the governor of this state and acting within his jurisdiction;
4. An officer of the United States regular army or volunteer service of the rank of captain or higher, or an officer of the United States navy of the rank of lieutenant or higher, while on duty at the place where such party or parties are or reside.

The certificate of an acknowledgment taken before any of the officers mentioned in subdivision one, two or three of this section, shall have attached thereto the seal of the court or officer

if he have a seal, and if such officer have no seal, then a statement to that effect. The certificate of an acknowledgment taken before an officer of the army or navy mentioned in subdivision four of this section, shall state his rank, the name of the city, or other political division where taken, and the fact that he is on duty there, and shall be authenticated by the secretary of war or the secretary of the navy, as the case may be, of the United States.

§ 2. This act shall take effect immediately.

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| Frucks, Louis, to Frooks, Louis | ... | 1914 |
| Fuchs, Andreas, to Fox, Andreas..... | ... | 1914 |
| Galpin, Seymour Cole, from Cole, Seymour..... | ... | 1926 |
| Garavuso, Frank, from Russo, Frank..... | ... | 1911 |
| Gates, John Louis, from Jacobs, John Louis..... | ... | 1914 |
| Gates, Robert J., from Gelbke, Robert J..... | ... | 1923 |
| Gavronsky, Max A., to Fielding, Marcus A..... | ... | 1909 |
| Gelbke, Robert J., to Gates, Robert J..... | ... | 1923 |
| German Evangelical Mission Church of Hopkins Street, Brooklyn, to Bushwick Avenue German Presbyterian Church..... | ... | 1910 |
| Gershonwitz, Alice, to Russ, Alice..... | ... | 1913 |
| Gershonwitz, Annie, to Russ, Annie..... | ... | 1913 |
| Gershonwitz, Bernard, to Russ, Bernard | ... | 1913 |
| Gershonwitz, Gussie, to Russ, Gussie..... | ... | 1913 |
| Gershonwitz, Isaac, to Russ, Isaac..... | ... | 1913 |
| Gershonwitz, Lillie, to Russ, Lillie..... | ... | 1913 |
| Gershonwitz, Max, to Russ, Max..... | ... | 1913 |
| Gershonwitz, Rosie, to Russ, Rosie..... | ... | 1913 |
| Gershonwitz, Sadie, to Russ, Sadie..... | ... | 1913 |
| Gibson Calendar Company, to The Gibson Company..... | ... | 1918 |
| Gibson Company (The), from Gibson Calendar Company..... | ... | 1918 |
| Gilford, William, to Helfand, William..... | ... | 1915 |
| Gilman, David A., from Wingersky, David A..... | ... | 1912 |
| Gold, Charles, from Goldstein, Charles..... | ... | 1925 |
| Gold, Nathan M., from Goldblatt, Nathan M..... | ... | 1923 |
| Goldberg, David A., to Schulte, David A..... | ... | 1915 |
| Goldblatt, Nathan M., to Gold, Nathan M..... | ... | 1923 |
| Goldenberg, Joseph, to Gran, Joseph..... | ... | 1916 |
| Goldman, Nathan, from Kusnetz, Nathan..... | ... | 1924 |
| Goldstein, Aaron Bracton, to Goldstone, Aaron Bracton..... | ... | 1921 |
| Goldstein, Charles, to Gold, Charles..... | ... | 1925 |
| Goldstone, Aaron Bracton, from Goldstein, Aaron Bracton..... | ... | 1921 |
| Gordon, Hyman, from Gordon, Jacob..... | ... | 1912 |
| Gordon, Jacob, to Gordon, Hyman..... | ... | 1912 |
| Gotham-Attucks Music Company, formed by consolidation of the Gotham Music Company with the Attucks Music Publishing Company | ... | 1918 |

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| Gran, Joseph, from Goldenberg, Joseph..... | ... | 1910 |
| Gray, Vincent Charles, from Siwitzky, Vincent Charles..... | ... | 1923 |
| Griffo, John, from Cucco, John..... | ... | 1913 |
| Grosoff, Samuel, from Grozovsky, Samuel..... | ... | 1913 |
| Grozovsky, Samuel, to Grosoff, Samuel..... | ... | 1913 |
| Guarino, Francis L., from Petrillo, Francis L..... | ... | 1910 |
| Hahn, Abraham, to Hahn, Edward A..... | ... | 1916 |
| Hahn, Edward A., from Hahn, Abraham..... | ... | 1916 |
| Haight, William H., to Clifton, William H..... | ... | 1925 |
| Hamey, John J., from Polonsky, Jacob..... | ... | 1910 |
| Harding, Willis F., from Flattery, William Harding..... | ... | 1921 |
| Hausling Company (F. M.), to Rheinfrank House-Wrecking Company..... | ... | 1917 |
| Hayes (Thomas J.) Company, to A. M. Briggs Co..... | ... | 1911 |
| Hazay, Max Heimlich, from Heimlich, Max..... | ... | 1921 |
| Heimlich, Max, to Hazay, Max Heimlich..... | ... | 1921 |
| Heisler, Charles, to Von Der Burgstall, Franz Joseph Carolus Donatus Haeussler..... | ... | 1914 |
| Hel fand, William, from Gilford, William..... | ... | 1915 |
| Henkin, Charles L., from Henkin, Mowish Leizerovich..... | ... | 1924 |
| Henkin, Mowish Leizerovich, to Henkin, Charles L..... | ... | 1924 |
| Herman, David, from Olshansky, David..... | ... | 1924 |
| Hewitt, Conrad, to Conrad Hewitt, Inc..... | ... | 1918 |
| Hewitt, Conrad, Inc., from Conrad Hewitt..... | ... | 1918 |
| Hickey, Patrick Henry, to Chiro, Patrick Henry..... | ... | 1910 |
| Hirsh, Nathan, from Hirshensohn, Michim..... | ... | 1908 |
| Hirshensohn, Michim, to Hirsh, Nathan..... | ... | 1908 |
| Hobbs, Wilbur Edwin, to Dale, Edwin..... | ... | 1909 |
| Hoffman, Max, from Rabievwynski, Marryan..... | ... | 1912 |
| Holdridge, Dennis and Preston, to Dennis and Preston..... | ... | 1917 |
| Hollar Company (The), from Hollar Lock Inspection and Guaranty Company..... | ... | 1919 |
| Hollar Lock Inspection and Guaranty Company, to The Hollar Company..... | ... | 1919 |
| Holtz Corporation (The), from Holtz Economy Service Corporation..... | ... | 1916 |
| Holtz Economy Service Corporation, to The Holtz Corporation..... | ... | 1916 |
| Horenbias, Borouch Marcus, from Lines, Max..... | ... | 1908 |
| Hyman, Jacob Solomon, to Hyman, Samuel Jacob..... | ... | 1916 |
| Hyman, Max, from Kubschinsky, Max..... | ... | 1910 |
| Hyman, Samuel Jacob, from Hyman, Jacob Solomon..... | ... | 1916 |
| Ibson, Soren C., from Jensen, Soren C..... | ... | 1924 |
| Imperial Zinc Company, to Rochester Imperial Zinc Company..... | ... | 1912 |
| Ingalese, Henry Weller, from Robbins, Harry Weller..... | ... | 1921 |
| Institution for the Savings of Merchants' Clerks, to Union Square Savings Bank..... | ... | 1917 |
| Ishutsky, Louis, to Burns, Louis..... | ... | 1922 |
| Jacobs, John Louis, to Gates, John Louis..... | ... | 1914 |
| James, James M., from Loopoloff, James..... | ... | 1915 |
| Janos, Morris, from Janowsky, Morris..... | ... | 1911 |
| Janowsky, Morris, to Janos, Morris..... | ... | 1911 |
| Jarcho, Jacob, to Jarcho, James..... | ... | 1908 |
| Jarcho, James, from Jarcho, Jacob..... | ... | 1908 |
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| Jaskow, Louis, from Jaskowitz, Louis..... | ... | 1914 |
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| Jaskowitz, Louis, to Jaskow, Louis..... | ... | 1914 |
| Jaslow, Alexander, from Jaslowsky, Alexander..... | ... | 1921 |
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| Jerome, Herman, from Jerusalem, Herman | ... | 1925 |
| Jerusalem, Herman, to Jerome, Herman | ... | 1925 |
| Johansson, Gustave Wilhelm, to Stahlbrand, Gu-taf Wilhelm | ... | 1910 |
| Johnson, Charles John, to Lundberg, Charles John | ... | 1908 |
| Jonason, Robert, from Chishonsky, Robert | ... | 1921 |
| Kanne, Herman, from Kannevischer, Herman | ... | 1923 |
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| Kapetulsky, Louis I., to Kapit, Louis I. | ... | 1924 |
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| Kerner, Jacob, from Körner, Jacob | ... | 1915 |
| Kerrigan, Sarah, to Moran, Sarah | ... | 1925 |
| Kesselheim, Adolph, to Kessler, Adolph | ... | 1924 |
| Kessler, Adolph, from Kesselheim, Adolph | ... | 1924 |
| King, Morris, from Kojawsky, Moses | ... | 1922 |
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| Kjepfish, Joseph, to Fish, Joseph B. | ... | 1921 |
| Kojawsky, Moses, to King, Morris | ... | 1922 |
| Kominakis, Georgios Nikita, to Cummings, George Nicholas | ... | 1924 |
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| Korey, Abraham J., from Koretzky, Abraham | ... | 1914 |
| Körner, Jacob, to Kerner, Jacob | ... | 1915 |
| Kortmann, Frank, to Wesley, Frank | ... | 1924 |
| Knickerbocker Building-Loan Company, to Knickerbocker Savings and Loan Company | ... | 1912 |
| Knickerbocker Savings and Loan Company, from Knickerbocker Building-Loan Company | ... | 1912 |
| Krasnovsky, Abraham, to Krause, Abraham | ... | 1922 |
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| Kreiser (C. N.) Company, from H. B. Wood & Company | ... | 1926 |
| Krisow, Max, from Krisowski, Max | ... | 1912 |
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| Kuschewsky, Herman Isaac, to Kaye, Herman Isaac | ... | 1915 |
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| Kusnetz, Nathan, to Goldman, Nathan | ... | 1924 |
| Labaujos y Rivera, Manuel, to Alvarez, Manuel | ... | 1908 |
| Labschinsky, Abraham, to Lewis, Abraham | ... | 1925 |
| Lafayette, (The Great), from Neuberger, Sigmund | ... | 1915 |
| Laloe, Charles, to Lawler, Charles | ... | 1900 |
| Lamberson, William, from Abrams, William Lamberson | ... | 1922 |
| Lankow, Edward, from Rosenberg, Abraham M. | ... | 1913 |
| Lawler, Charles, from Laloe, Charles | ... | 1909 |
| Lawyers' Title Insurance and Trust Company, Lawyers' Title In- surance Company merged with the Central Realty Band and Trust Company under the name of | ... | 1917 |
| Lawyers' Title Insurance Company, merged with the Central Realty Bond and Trust Company, under the name of Lawyers' Title In- surance and Trust Company | ... | 1917 |
| Lea, Carlina, from Wicklander, Caroline | ... | 1922 |
| Lebowitz, Emanuel Fredrick, to Emanuel Fredrick Lebwith | ... | 1924 |
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| Lewis, Abraham, from Labshinsky, Abraham | ... | 1925 |
| Lidz, Simon, from Lidzbarski, Simon | ... | 1923 |
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| Life Saving Window Company, to The Platt-Baker Company | ... | 1920 |
| Lines, Max, to Horenblas, Borouch Marcus | ... | 1909 |
| Linker, Fred William, to Lyncker, Paul William | ... | 1910 |
| Lone Gee Tong, from Lone We Tong Eng Ti | ... | 1921 |
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| Long, Thomas, to Longo, Galtano | ... | 1909 |
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| Majushak, Michael, to Marshall, Michael | ... | 1923 |
| Mandel, Lasor, from Mendlowitz, Lasor | ... | 1925 |
| Manhattan Powder Company, from McDonald Powder Manufacturing Company | ... | 1919 |
| Marshall, Jacob, from Meshulamy, Jacob | ... | 1912 |
| Marshall, Michael, from Majushak, Michael | ... | 1923 |
| McClelland, Sarah Bateman, to Boyce, Zara McClelland | ... | 1920 |
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| Meacham, E. E. & Son, from E. E. Meacham City Lot Company | ... | 1919 |
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| Melville, Frank, from Levy, Melville Frank | ... | 1912 |
| Mendelson (H.) & Company, to Fried, Mendelson & Company | ... | 1921 |
| Mendlowitz, Lasor, to Mandel, Lasor | ... | 1925 |
| Mercantile Electric Company (The), merged with the New York Independent Telephone Company | ... | 1920 |
| Meshulamy, Jacob, to Marshall, Jacob | ... | 1912 |
| Metropolitan Paper Goods Company, consolidated with the Columbia Paper Bag Company | ... | 1919 |
| Michaels, Charles, from Cohen, Morris | ... | 1922 |
| Michel, Abram or Aelbrum, to Fogel, Abraham | ... | 1924 |
| Miller, Robert, from Barber, Robert Miller | ... | 1906 |
| Minor Manufacturing Company, from The Minor-Mathes Company | ... | 1907 |
| Minor-Mathes Company, The, to Minor Manufacturing Company | ... | 1907 |
| Moore, Edward F., to Curtis, Edward F. | ... | 1921 |
| Moran, Sarah, from Kerrigan, Sarah | ... | 1925 |
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| Moritz, Gustav, to Steiner, Gustav-Moritz | ... | 1924 |
| Morrill, Frank Whitney, from Morrill, Whitney G. | ... | 1916 |
| Morrill, Whitney G., to Morrill, Frank Whitney | ... | 1916 |
| Morrison, Mabel O., to Banks, Mabel O. | ... | 1906 |
| Mortimer, Edmund, & Company, consolidated with E. Frank Coe Company, under name of The Coe-Mortimer Company | ... | 1920 |
| Morton, Charles Imre, from Zlinszky, Karoly Imre | ... | 1924 |
| Murray, Mary Bainbridge, from Murray, Mary Irene | ... | 1913 |

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| N. W. Taussig Company, consolidated with the Eastern Refining Company under the name of The American Molasses Company of New York | ... | 1919 |
| Nan, Aloysius, from Nan, Peter Aloysius | ... | 1924 |
| Nan, Peter Aloysius, to Nan, Aloysius | ... | 1924 |
| Nathan, Samuel, from Nussen, Samuel | ... | 1924 |
| National Shirt-Waist Co., to Broads Manufacturing Company | ... | 1917 |
| Nelson, Jacob P., from Patykosky, Jacob | ... | 1914 |
| Nestor, Isabelle, from Nowoski, Isabelle | ... | 1921 |
| Nestor, Lillian, from Nowoski, Lillian | ... | 1921 |
| Nestor, Louise, from Nowoski, Louise | ... | 1921 |
| Nestor, William Howard, from Nowoski, William Howard | ... | 1921 |
| Neuberger, Sigmund, to The Great Lafayette | ... | 1915 |
| New York and London Trust Company, to Columbia Trust Company | ... | 1920 |
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| New York Security and Trust Company, to The New York Trust Company | ... | 1916 |
| New York Team Owners Association, from New York Truck Owners Association | ... | 1917 |
| New York Truck Owners Association, to New York Team Owners Association | ... | 1917 |
| New York Trust Company (The), from New York Security and Trust Company | ... | 1916 |
| North American Trust Company, The Trust Company of America and the City Trust Company merged into | ... | 1918 |
| Nowoski, Isabelle, to Nestor, Isabelle | ... | 1921 |
| Nowoski, Lillian, to Nestor, Lillian | ... | 1921 |
| Nowoski, Louise, to Nestor, Louise | ... | 1921 |
| Nowoski, William Howard, to Nestor, William Howard | ... | 1921 |
| Nussen, Samuel, to Nathan, Samuel | ... | 1924 |
| Nussimowicht, Bernhard, to Bernhard, Nicholas | ... | 1909 |
| Oettler, Joseph E., to Steinmeier, Joseph E. | ... | 1914 |
| Olshansky, David, to Herman, David | ... | 1924 |
| Onteora Club, from The Onteora Land Company | ... | 1919 |
| Onteora Land Company (The), to Onteora Club | ... | 1919 |
| Owens, Elizabeth Brunsen, from Stiles, Elizabeth Brunsen | ... | 1908 |
| P. & P. Engraving Company, to Suffolk Engraving & Electrotyping Company of New York | ... | 1917 |
| Pace & McClintock Co. (The), from Pace Plumbing Company (The) | ... | 1916 |
| Pace Plumbing Company (The), to The Pace & McClintock Co. | ... | 1916 |
| Paige, Eva Cora, from Sweatt, Eva Paige | ... | 1923 |
| Parcher, William Henry, to Wild, William Dean | ... | 1909 |
| Paskow, Isaiah, from Paskowsky, Isaiah | ... | 1909 |
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| Patykosky, Jacob, to Nelson, Jacob R. | ... | 1914 |
| Paul E. Derrick Advertising Agency, to Starke Advertising Agency | ... | 1920 |
| Payes, Albert, to Brenner, Albert P. | ... | 1908 |
| Payne-Thompson Company, to Simpson Livery Company | ... | 1912 |
| Person, George William, from Thompson, George W. | ... | 1923 |
| Petrillo, Francis L., to Guarino, Francis L. | ... | 1910 |
| Pfeiffer, Robert A., to Roberts, Robert | ... | 1914 |
| Pierz, Charles Joseph, from Pierzchalski, Charles Joseph | ... | 1910 |
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| Platt-Baker Company, from Life Saving Window Company | ... | 1920 |
| Pneumatic Appliances Company, to Borton-Tierney Company | ... | 1919 |
| Polasensky, Samuel, to Polens, Samuel | ... | 1912 |
| Polens, Samuel, from Polasensky, Samuel | ... | 1912 |
| Polonsky, Jacob, to Hamey, John J. | ... | 1910 |
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| Rabievzynski, Marryan, to Hoffmann, Max | ... | 1912 |
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| Radilow, Emanuel M., from Radilowsky, Mendel | ... | 1913 |
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| Raeforwitz, Aaron Boruch, to Ralph, Aaron Benjamin | ... | 1913 |
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| Ralph, Aaron Benjamin, from Raeforwitz, Aaron Boruch | ... | 1913 |
| Ralston, Nelson Rothstein, from Rothstein, Nelson | ... | 1911 |
| Randolph-Backer Company, to Dolphran Realty Company | ... | 1920 |
| Rathowsky, Max, to Roth, Max | ... | 1915 |
| Reeves, Moses, from Riwiss, Moses | ... | 1913 |
| Reinkowitz, Louis, to Daniels, Louis | ... | 1924 |
| Resac, William Taylor, from Rezac, William Richard | ... | 1915 |
| Ressner, Jacob, from Wrensinsky, Jacob | ... | 1914 |
| Reubenstein, Julius, to Ruby, Jules | ... | 1908 |
| Rezac, William Richard, to Resac, William Taylor | ... | 1915 |
| Rheinfrank House-Wrecking Company, from Hausling Company (F. M.) | ... | 1917 |
| Richmond Safety Gate and Door Company, to Richmond Safety Gate Company | ... | 1918 |
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| Richter, Nicholas William Diedrich, from Thompson, Nicholas William Diedrich | ... | 1908 |
| Riwiss, Moses, to Reeves, Moses | ... | 1913 |
| Robbins, Harry Weller, to Ingalese, Henry Weller | ... | 1921 |
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| Robert Shaw-Free & Bonded Warehouse Company, to Robert Shaw's U. S. Bonded Warehouse | ... | 1919 |
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| Roberts, Robert, from Pfeiffer, Robert A. | ... | 1914 |
| Robinowitz, Joseph, to Robinson, Joseph | ... | 1921 |
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| Robins, Louis M., from Rabinowitz, Louis M. | ... | 1913 |
| Robinson, Joseph, from Robinowitz, Joseph | ... | 1921 |
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| Rochester Imperial Zinc Company, from Imperial Zinc Company .. | ... | 1912 |
| Rogow, Max, from Srokowith, Max | ... | 1909 |
| Rooss, Philip A., from Russo, Anthony Fillipo | ... | 1923 |
| Rose, Julian, from Rosenzweig, Julius | ... | 1922 |
| Rose, Samuel B., from Rosenzweig, Samuel B. | ... | 1921 |
| Rose Shoe Manufacturing Company, from Whitman (M. J.) Co. ... | ... | 1911 |
| Rosenberg, Abraham M., to Lankow, Edward | ... | 1913 |
| Rosenthal, Adolph B., to Rossdale, Albert B. | ... | 1913 |
| Rosenzweig, Julius, to Rose, Julian | ... | 1922 |
| Rosenzweig, Samuel B., to Rose, Samuel B. | ... | 1921 |
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| Rothstein, Nelson to Ralston, Nelson Rothstein | ... | 1911 |
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| Rowe, Rudolph R., from Rowensky, Rudolph R. | ... | 1910 |
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| Sadev, Abraham I., from Sadevitz, Abraham I. | ... | 1922 |
| Sadevitz, Abraham I., to Sadev, Abraham I. | ... | 1922 |
| Safety System Stationery Company, to Safety Systems Co. | ... | 1920 |
| Safety Systems Co., from Safety System Stationery Company | ... | 1920 |
| Salmagundi Club, from Salmagundi Sketch Club | ... | 1919 |
| Salmagundi Sketch Club, to Salmagundi Club | ... | 1919 |
| Salmanowitsh, Adolf, to Salmon, Adolf | ... | 1921 |
| Salmon, Adolph, from Salmanowitsh, Adolf | ... | 1921 |
| Sampson, Samuel, from Sampsonowitz, Schepsel | ... | 1924 |
| Sampsonowitz, Schepsel, to Sampson, Samuel | ... | 1924 |
| Samuel Quint Company, from Quint and Mann Company | ... | 1919 |
| Sander, Mannheim, from Assande, Mannheim | ... | 1914 |
| Sarnoff, Jacob, from Svernofsky, Jacob | ... | 1915 |
| Schack, Harry, from Czarnikauer, Harry | ... | 1908 |
| Scheftz, Wulf, to Shefts, William | ... | 1925 |
| Schindel, Stephen, from Schindele, Stephen | ... | 1923 |
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| Schnadvor, David, to Schneider, David | ... | 1915 |
| Schnadavor, Max L., to Schneider, Max L. | ... | 1914 |
| Schnadavor, Sam, to Schneider, Sam | ... | 1914 |
| Schneider, David, from Schnadavor, David | ... | 1915 |
| Schneider Max L., from Schnadavor, Max L. | ... | 1914 |
| Schneider, Sam, from Schnadavor, Sam | ... | 1914 |
| Schoenburg, Jacob, from Schonberger, Jacob | ... | 1909 |
| Schonberger, Jacob, to Schoenburg, Jacob | ... | 1909 |
| Schulte, David A., from Goldberg, David A. | ... | 1915 |
| Schwartz & Fay Company, to Schwartz Belting Company | ... | 1918 |
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| Scott, Frank, from Sott, Frank | ... | 1915 |
| Seley, Moses, from Selikowitsch, Moses | ... | 1910 |
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| Semansky, Louis, to Seymans, Louis | ... | 1914 |
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| Shapiro, Remick & Company, to Jerome H. Remick & Company | ... | 1917 |
| Shefts, William, from Scheftz, Wulf | ... | 1925 |
| "Sherwood Shoe Co." from Jenkins (J. W.) Co. | ... | 1911 |
| Shobinsky, Louis Benjamin, to Benjamin, Louis | ... | 1925 |
| Shults, Michael, from Syuchy, Michael | ... | 1910 |
| Silver, Oscar F., from Feinsilber, Osias | ... | 1923 |
| Simmons Hardware Company, from Simmons Hardware Corporation of New York | ... | 1920 |
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| Simpson Livery Company, from Payne-Thompson Company | ... | 1912 |
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| Smulow, Rosie, from Smulowitz, Rosie | 1910 |
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| Smulowitz, Jacob, to Smulow, Jacob | 1910 |
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| Social Club Germania, to The Brooklyn Germania | 1908 |
| Sott, Frank, to Scott, Frank | 1915 |
| Srokowith, Max, to Rogow, Max | 1909 |
| Stahlbrand, Gustaf Wilhelm, from Johansson, Gustave Wilhelm.. | 1910 |
| Standard Automobile Company of New York, to Decauville Auto- mobile Company | 1917 |
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| "Stanger" Rheumatism & Gout Institute, Incorporated, from Sylvan Electric Bath Company | 1918 |
| Stapler, Abraham L., from Stapsky, Abraham | 1923 |
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| Starke Advertising Agency, from Paul E. Derrick Advertising Agency | 1920 |
| Steigerwald, George, to Ether, George | 1914 |
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| Stein, Charles, to Stein, Charles Edward | 1915 |
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| Steinmetz Piano Company, from Christie Piano Company | 1919 |
| Sterling, and LeDoux, Incorporated, to Sterling, Incorporated..... | 1918 |
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| Sundheimer, William, to Sundheimer, William Abraham | 1922 |
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| Svernosky, Jacob, to Sarnoff, Jacob | 1915 |
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| Syuchy, Michael, to Shults, Michael | 1910 |
| Tea & Coffee Trade Journal Company (The), from Craig, Ukera & Co. | 1918 |
| Thomas, Isidore Philip, from Thomashefsky, Isidore Philip | 1916 |
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| Thompson, George W., to Person, George William | 1923 |
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| Trust Company of America (The), and the City Trust Company merged into the North American Trust Company | 1918 |
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| Upton Machine Co. to Beverly Manufacturing Company | ... | 1919 |
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| Vanderpoole, Born, from Vanderpoole, Geraint Laurent Maurice | ... | 1923 |
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| powers of city clerk | 626 | 1606 |
| removal of members of uniformed police and fire departments..... | 664 | 1723 |
| revenue bonds and certificates of indebtedness, issue of..... | 166 | 290 |
| streets, alteration of grade of | 623 | 1602 |
| water bonds, issue of | 621 | 1600 |
| Young's lake: | | |
| fishing in, with set lines and tip-ups; spearing in, town of Warren.. | 537 | 1460 |

